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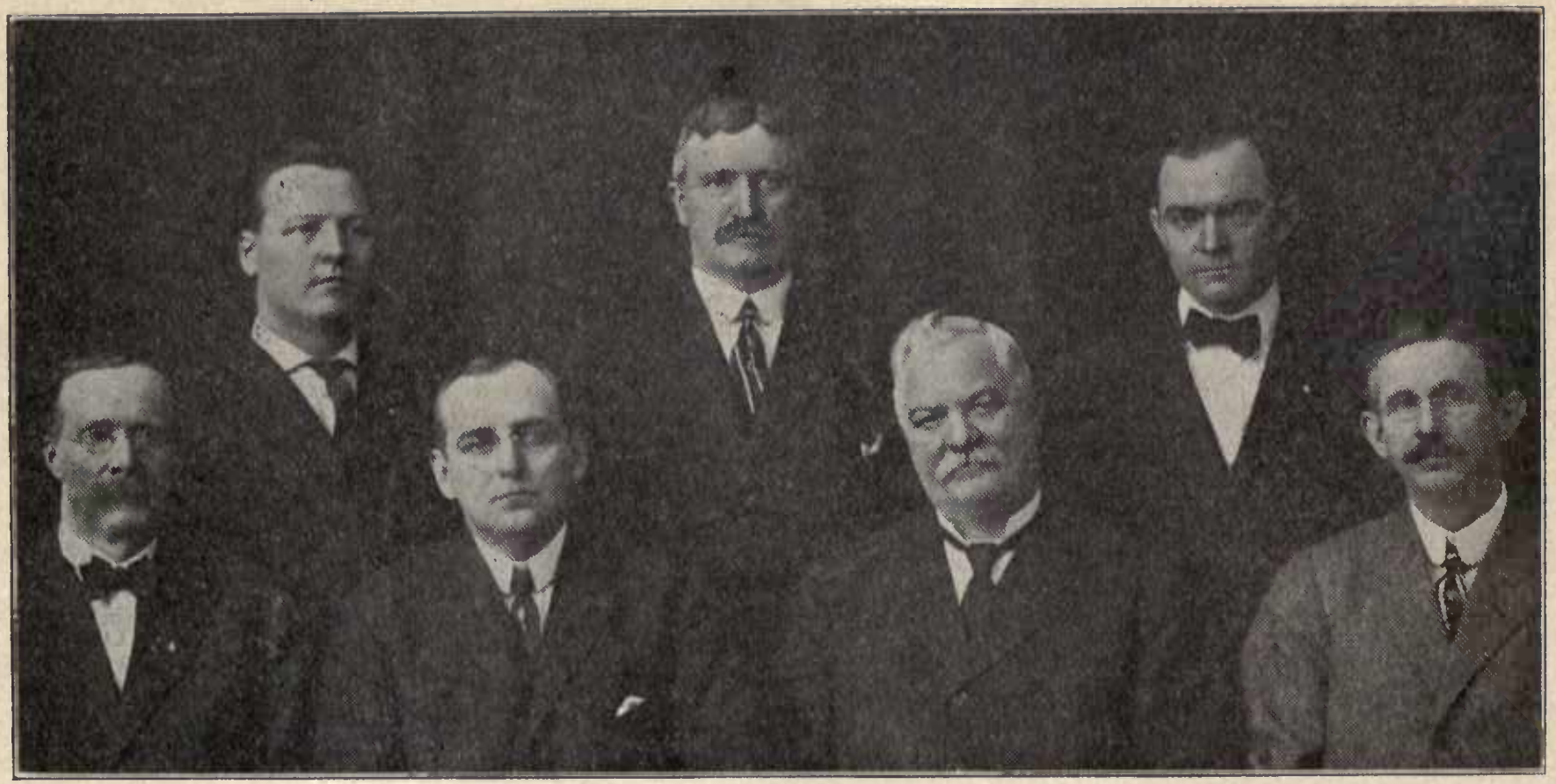
Mining Laws of Ohio 1910

Compiled by
GEORGE HARRISON
Chief Inspector of Mines



OHIO MINING COMMISSION — 1908-1910.

H. F. McCauley, *Ass't Sec'y* G. C. Weitzell Percy Tetlow
Jas. Hennessey, *Vice Chairman* C. L. Cassingham Geo. Harrison, *Chairman* J. J. Roby, *Secretary*

Mining Laws of Ohio

1910

COMPILED BY
GEO. HARRISON,
CHIEF INSPECTOR OF MINES

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NOTICE.

Where there is more than one section relating to the same subject matter, the additional section references have been placed at the end of these sections in parenthesis.

Persons are also requested to consult the Table of Contents as well as the Classified Index which is given in minute detail.

Also read carefully the **Penalties** which are provided in Section 976 for violation of all laws commencing with duty of County Coroner in Section 921, and ending with Section 975, with the exception of Sections 968, 969 and 972, for which no penalties are provided.

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Relating to Chief Inspector of Mines and District Inspectors of Mines.

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Mining Laws of Ohio.

S. B. No. 91.

Passed April 5, 1910.

Approved April 11, 1910.

In effect, June 11, 1910.

AN ACT

To amend Sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977 and 978 of the General Code, relating to the appointments, powers and duties of the chief inspector of mines and the district inspectors of mines and to provide regulations governing mines and mining.

RELATING TO CHIEF INSPECTOR OF MINES AND DISTRICT INSPECTORS OF MINES.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921,

922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975 976, 977, 978 of the General Code be amended so as to read as follows:

Sec. 898. [Appointment of chief inspector.] Upon the expiration of the present term of the chief inspector of mines, the governor, with the advice and consent of the senate, shall appoint a chief inspector of mines, who shall hold his office for a term of four years from the date of his appointment and until his successor is appointed and qualified.

Sec. 899. [Qualifications of chief inspector of mines.] No person shall be appointed chief inspector of mines unless he has a competent knowledge, insofar as such sciences relate to mining, of chemistry, the mineralogy and geology of this state, a practical knowledge of the different systems of working and ventilating mines, the nature and properties of the noxious and poisonous gases in mines, particularly fire-damp, the best means of preventing the accumulation of such gases, and the best means of removing the same. He shall also have had at least five years actual practical experience in mining in this state, shall have a knowledge of mine engineering, and shall have a practical knowledge of the uses and dangers of electricity as applied at, in, and around mines.

Sec. 900. [Appointment of district inspectors.] The chief inspector of mines, with the approval of the governor, shall appoint twelve district inspectors of mines, each of whom shall hold his office for a term of three years from the date of appointment and until his successor is appointed and qualified.

Sec. 901. [Qualifications of district inspectors of mines.] No person shall be appointed district inspector of mines unless he has been a resident of the district for which he is appointed, for at least two years, has had at least five years' actual practical experience in mining in this state, has a practical knowledge of the best methods of working and ventilating mines, of the nature and properties of noxious and poisonous gases, particularly fire-damp, of the best means of detecting the presence of and preventing accumulations of such gases and the best means of removing the same, and has a practical knowledge of the uses and dangers of electricity as applied at, in, and around mines.

Sec. 902. [Inspectors must devote entire time to duties of office.] The chief inspector of mines, and each district inspector of mines, shall give his whole time and attention to the duties of his office. While in office he shall not be financially interested in any mine, or under obligations to any person or persons interested in the operation, management or working of any mine in the state, in any manner that may tend to influence him in the faithful and impartial discharge of his duties.

Sec. 903. [Bond of inspectors.] Before entering upon the discharge of the duties of his office, the chief inspector of mines, and each district inspector of mines, shall give a bond to the state, the former in the sum of five thousand dollars, and the latter in the sum of two thousand dollars, with two or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.

Sec. 904. [Offices of inspectors.] The chief inspector of mines shall have an office in the state house, in which he shall keep the maps and plans of all mines in the state, and all records, correspondence, papers, apparatus, and other property belonging to the state, pertaining to his office, in accessible and convenient form for reference by persons entitled to examine them, all of which he shall deliver to his successor in office. The persons entitled to examine maps, plans, records and papers of a mine, shall be the owner, lessee or agent of such mine; the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner, or owners, of land adjacent to such mine; the owner, lessee or agent of a mine adjacent to such mine; and the authorized representatives of the employes of such mine. The chief inspector of mines shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish

copies thereof to any persons, except by request of the owner, lessee or agent of the mine to which such maps, plans, records and papers pertain. Each district inspector shall keep his office in such place in his district as is central and convenient.

Sec. 905. [**Salaries and expenses of inspectors.**] The present incumbents of the office of district inspector of mines shall receive a salary of twelve hundred dollars per annum, but any district inspector of mines appointed after the passage and approval of this act shall receive a salary of eighteen hundred dollars per annum. The present incumbent of the office of chief inspector of mines shall receive the salary as provided for in section 2250 of the General Code, but any chief inspector of mines appointed after the passage and approval of this act shall receive a salary of three thousand dollars per annum. The chief inspector of mines, and each district inspector of mines, shall receive, in addition to the salaries herein provided for, all necessary and legitimate expenses incurred by them in the discharge of their duties, to be approved by the chief inspector of mines, itemized statements of which expenses shall be filed with the auditor of state. Provided, however, that any public officer who knowingly accepts any payment from any mine inspector for political purposes shall forfeit his office, and any person who accepts any contribution of money or anything of value from any mine inspector for use in any political campaign, or for any campaign purpose, shall be guilty of a misdemeanor.

Sec. 906. [Duties of chief inspector.] The chief inspector of mines shall designate the counties, or portions thereof, which shall compose the different districts, and may change such districts whenever in his judgment the best interests of the service so require. He shall issue such instructions, and make such rules and regulations for the government of the district inspectors of mines consistent with the powers and duties vested in them by law, as will secure uniformity of action and proceedings throughout all the districts. The chief inspector of mines may order one district inspector of mines to the assistance of any other, or may make temporary transfers of district inspectors of mines, when, in his judgment, the efficiency of the service demands or permits, and with the consent of the governor, may remove any district inspector of mines for reasonable cause. The chief inspector of mines shall give such personal assistance to the district inspectors of mines as they may need, and make such personal inspection of the mines as he deems necessary and his other duties permit. He shall keep in his office and carefully preserve all maps, surveys, reports and other papers, required by law to be filed with him, and arrange and preserve them as a permanent record of ready, convenient and connected reference. He shall, upon receipt of a report of the district inspector of mines, or of a committee of miners, covering the conditions of a mine, promptly mail a copy thereof to the general office of the owner, lessee or agent of such mine. (Sec. 967.)

Sec. 907. [Duty in case of fatal accident.] Upon receiving notice from the owner, lessee or agent that a fatal accident has occurred at a mine, the chief inspector of mines shall go, or order one of the district inspectors of mines to go, at once, to the mine at which such accident occurred, inquire into its cause, and make a written report setting forth fully the condition of that part of the mine wherein the accident occurred, and the cause thereof. Such report shall be filed by the chief inspector of mines in his office, and a copy mailed to the general office of the owner, lessee or agent of such mine. (Sec. 921, 934, 940, 951.)

Sec. 908. [Annual report of chief inspector of mines.] The chief inspector of mines shall compile and consolidate the reports of the district inspectors of mines, and make a report each year to the governor of all his proceedings, as well as those of the district inspectors of mines; the condition and operation of the different mines of the state; the number of mines and the number of persons employed in and about them, and the amount of coal mined in this state. He shall also include in the report, such facts relative to the mineral resources of the state, and the development thereof, as, in his judgment, may be of public interest. He shall enumerate all accidents in and about mines, the manner in which they occurred, give such other information as he thinks useful and proper, and make such suggestions as he deems important relative to mines and mining, and to any legis-

lation necessary for the better preservation of the life and health of those engaged in such industry.

Sec. 909. [**Duties of district inspectors of mines.**] Each district inspector of mines shall examine each mine in his district, in which men are employed, as often as practicable, and mines employing more than ten persons, at intervals not exceeding three months between examinations, noting particularly the condition of the boilers and machinery, the location and condition of the buildings, the condition of the workings of the mine, the condition of the traveling and haulways, the circulation and condition of the air and the drainage, and shall see that the provisions of this act are complied with. Upon the completion of the examination of a mine, he shall within a reasonable time thereafter, report in writing to the chief inspector of mines, the conditions of the mine, showing the extent to which the provisions of this act are complied with or violated. (Sec. 913.)

Sec. 910. [**District inspectors as sealers of weights and measures.**] The district inspectors of mines are hereby vested with all the powers and authority of county auditors as sealers of weights and measures in the different counties of this state, but shall exercise such authority in connection with weights and measures at mines, only. Each district inspector of mines may upon his regular examination of a mine, and shall, upon the written request of the duly authorized representatives of the miners, the owner, lessee, or

agent, or the interested land owner, test the accuracy of the scales at any time, and post in the weigh house a certificate provided by the chief inspector of mines, certifying the condition of the scales, provided that such tests be made at a reasonable time without unnecessary interference with the use of such scales. (Sec. 941.)

[Duty of district inspectors in case of controversy.] In case of a controversy or disagreement between the district inspector of mines, and the owner lessee or agent of a mine, or persons working therein, or in case of emergency requiring counsel, the district inspector of mines may call upon the chief inspector of mines for such assistance and counsel as is necessary.

Sec. 911. [Inspectors shall exercise discretion.] Each inspector shall exercise discretion in the enforcement of the provisions of this act. If he finds that any matter, thing or practice, connected with any mine, and not prohibited by law, is dangerous or defective, (or that from a rigid enforcement of any of the express provisions of this act, such matter, thing or practice would become dangerous or defective), so as in his opinion to tend to the bodily injury of any person, such inspector shall give notice in writing to the owner, lessee, or agent of the mine, of the particulars in which such mine or any matter, thing, or practice connected therewith is dangerous or defective, and require it to be remedied by making such changes as the conditions may require. Provided, however, that in the exercise of the foregoing provisions relating

to the application of electricity or electric wires, the judgment of the chief inspector of mines and the district inspector of mines, jointly, shall be required. (Sec. 947-948.)

Sec. 912. [Inspectors shall have access to mines.] For the purpose of making the examinations provided for in this act, the chief inspector of mines, and each district inspector of mines, may enter any mine at reasonable times, by day or night, but in such manner as will not unnecessarily impede the working of the mine, and the owner, lessee or agent thereof shall furnish the means necessary for such entry and examination.

[Examination of record of minors employed.] The district inspector of mines shall examine the record kept by the mine foreman, of boys under sixteen years of age employed in each mine, and report to the chief inspector of mines, the number of such persons employed in and about each mine, and enforce the provisions of this act relative to their employment. (Sec. 944, 953.)

Sec. 913. [Report of district inspector to chief inspector.] On or before each Monday, each district inspector of mines shall make and file in the office of the chief inspector of mines, a record showing the number of mines in the district examined by him during the preceding week, the number of persons employed in and about such mines, the date of each examination, condition of each mine examined, whether the laws relating to mines and mining are being ob-

served or violated, and, if violated, the nature and extent of such violations, progress made in safeguarding the lives and protecting the health of the employes in and about the mines, number of fatal accidents in and about the mines, together with such other facts of public interest concerning the condition of mines, and the development and progress in mining, as he deems proper. (Sec. 909.)

Sec. 914. **[Duties of chief inspector relating to oil and gas wells.]** The chief inspector of mines, upon receiving notice from a person, firm or corporation of the intention to drill an oil or gas well which will likely penetrate a workable seam of coal, shall make a record thereof, and if such well is to be drilled so as to comply with the provisions of this act relating thereto, he shall give his permission to the parties to proceed. He shall keep on file in his office all the papers and maps pertaining to oil and gas wells, and see that the provisions relating to the drilling, operating and abandonment of such wells are complied with.

[Duties of district inspectors relating to oil and gas wells.] Each district inspector of mines shall carry out the instructions of the chief inspector of mines with reference to the enforcement of the regulations provided for in this act relating to the drilling, operating and abandonment of oil and gas wells, and shall see that the regulations relating thereto are complied with in his respective district. (Sec. 973.)

Sec. 915. [Chief inspector of mines shall provide and maintain rescue apparatus.] The chief inspector of mines shall provide and maintain, at the expense of the state, such safety appliances, instruments and chemical tests, as in his judgment may be required to facilitate the efficient inspection of mines and safely conduct rescue work in emergencies, but not less than six approved oxygen helmets complete, one recharging equipment for recharging oxygen tanks, two extra oxygen tanks, one resuscitation outfit complete, twenty approved safety lamps, one naphtha tank, twenty portable electric lamps complete with storage batteries, and all necessary instruments and chemical tests, together with all necessary repairs and supplies, therefor.

Sec. 916. [Action for non-compliance with provisions of this act.] If the appliances of a mine for the safety of the persons working therein do not conform to the provisions of this act, or if the owner, lessee or agent disregards the requirements thereof, on application by the chief inspector of mines in the name of the state, any court of competent jurisdiction may enjoin or restrain the owner, lessee or agent from operating such mine, until it is made to conform to the provisions of this act. Such remedy shall be cumulative, and shall not affect any other proceedings authorized by law against such owner, lessee or agent for the matter complained of in the action. (Sec. 927-928.)

Sec. 917. [Failure to make map and forfeiture.] Upon the refusal or neglect of the

owner, lessee or agent of a mine to make and file a map, or any addition thereto, within sixty days after being directed to do so by the chief inspector of mines, as provided for in this act, the chief inspector of mines may cause such map or addition thereto to be made in duplicate at the expense of such owner, lessee or agent, the cost of which shall be recoverable against such owner, lessee or agent, in the name of the chief inspector of mines in any court of competent jurisdiction in the county in which such mine is located, or in Franklin county. (Sec. 904, 935, 936, 937.)

Sec. 918. **[Complaint against district inspector; how made.]** When written charges of neglect of duty, incompetency, or malfeasance in office against any district inspector of mines, are made and filed with the chief inspector of mines, signed by not less than fifteen employes, or an owner, lessee or agent of a mine, the chief inspector of mines shall promptly investigate such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

[Complaint against chief inspector, how made; appeal.] When written charges of neglect of duty, incompetency or malfeasance in office against the chief inspector of mines, are made and filed with the governor, signed by not less than fifteen employes, or the owner, lessee or agent of a mine, or if not less than fifteen employes, or the owner, lessee or agent of a

mine, having filed charges against a district inspector of mines with the chief inspector of mines, are dissatisfied with the result of the investigation made by him, and appeal to the governor by filing the same charges against such district inspector of mines with the governor, he shall make, or cause to be made, an investigation of such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

Sec. 919. [Appeal and board of examiners.] After such appeal from the decision of the chief inspector of mines, or after charges have been filed against the chief inspector of mines with the governor, and the result of the investigation made by him, or at his instance, is unsatisfactory to the complainant, and notice thereof is given to the governor in writing by said complainant, accompanied with a bond in the sum of five hundred dollars, payable to the state, conditioned for the payment of all costs and expenses of the investigation of such charges, in the event such charges are not sustained, and signed by two or more responsible freeholders, the governor shall convene a board of examiners, consisting of two practical miners, one chemist, one mining engineer, and one mine operator, at such time and place as he directs, giving ten days' notice thereof to the inspector against whom the charges are made, and also to the person whose name appears first in the charges.

[Duties of board.] When so convened, and being duly sworn truly to try and decide the charges made, the board of examiners shall summon any witnesses desired by either party, and examine them, on oath, administered by a member of the board. Depositions may be read on such examination as in other cases. The board shall examine fully into the truth of such charges and report the result of its investigation to the governor; and, according to its finding, award the costs and expenses of such investigation against the inspector or the persons signing the bond. The costs and expenses of such investigation shall include a compensation of five dollars per day for each member of the board, for the time occupied in the trial, and in traveling to and from his home, together with all legitimate expenses which shall be paid from the state treasury on the certificate of the president of such board. The attorney general shall proceed to collect such costs and expenses, and pay them into the state treasury.

Sec. 920. [This act shall not create new office or displace any officer.] No change herein made in the name of an office existing when this act takes effect shall create a new office. The incumbents of offices when this act takes effect, the duties of which are herein defined, or the filling of which is herein provided for, shall hold their respective offices for the full term for which they were severally elected or appointed, the same as if this act had not been passed.

Relating to County Recorder and County Coroner

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RELATING TO COUNTY RECORDER AND COUNTY CORONER.

Sec. 921. [Duty of Recorder.] The recorder of the county, when presented with a map of an abandoned mine, by the owner, lessee or agent thereof, as provided for in this act, shall properly label, file and preserve the same as a part of the records of the land upon which said mine is located. (Sec. 937.)

[Duty of coroner.] Upon receiving notice of a death occurring at a mine, as provided for in this act, the coroner shall hold an inquest forthwith upon the body of such person, inquire carefully into the cause of his death, and within ten days after such inquest, return a copy of his findings, with a description of the body, and all the testimony before him, to the chief inspector of mines. Upon request of the owner, lessee or agent of the mine where such person was employed, shall furnish a copy thereof to such owner, lessee or agent, for which such coroner shall be entitled to a fee of ten cents per legal cap page, but in no case more than five dollars for any one inquest, for copy furnished owner or lessee. (Sec. 940; Penalty, Sec. 976.)

Relating to Owner, Lessee or Agent.

RELATING TO OWNER, LESSEE OR AGENT.

Sec. 922. [Ventilation of mines.] The owner, lessee or agent of a mine, shall provide and maintain the necessary artificial means of capacity and power capable of supplying the required ventilation, and shall maintain a sufficient volume of air, not less per minute than one hundred and fifty cubic feet for each person, and five hundred cubic feet for each animal working therein, measured at the intake, and distributed so as to expel or dilute and render harmless, explosive, poisonous and noxious gases.

[Additional requirements where fire-damp is present.] The owner, lessee or agent of a mine generating fire-damp, so as to be detected by a safety lamp, shall, in addition to the foregoing, provide and maintain not less than fifty cubic feet of air per minute for each person working therein. (Sec. 923, 924, 952; Penalty, Sec. 976.)

Sec. 923. [Ventilating appliances.] In each mine, the doors used in assisting or directing the ventilation thereof, shall be hung so that they will close themselves, and shall be kept closed except while persons or cars are passing through same. Each door, not operated automatically, through which cars are required to pass, shall have an attendant, whose first duty shall be to open it for transportation, and prevent it from standing open longer than necessary for

cars to pass through, and, persons in charge of cars passing through automatic doors shall be required to keep a close watch over such doors, and if any such door fails to close, they shall promptly close same and report such fact to the mine foreman. This shall not prevent the attendant from performing other duties, provided the door is not kept open longer than is necessary for cars to pass through. Where necessary, a refuge place shall be provided at each door for the safety of the attendant. (Sec. 943, 958; Penalty, Sec. 976.)

Sec. 924. [Ventilation of mines while persons working therein.] At each mine where the ventilation is not continuous, it shall be started a sufficient length of time prior to the appointed time for any person, or persons, working therein to enter, to clear the mine of explosive, poisonous and noxious gases, and shall be kept in operation a sufficient length of time after the appointed time for such employes to leave their working places, for all persons to be out of the mine. (Sec. 922, 923, 952; Penalty, Sec. 976.)

[Pressure gauges.] At each mine generating fire-damp so as to be detected by a safety lamp, and wherein twenty or more persons are employed, a recording pressure gauge for the purpose of recording the pressure or vacuum of the main air current, shall be provided and maintained, which shall be kept in constant use, and records preserved for ninety days, subject to the

inspection of the chief inspector of mines and the district inspector of mines. (Penalty, Sec. 976.)

Sec. 925. **[Competent person or persons shall be designated as fire-boss.]** The owner, lessee or agent of a mine generating fire-damp so as to be detected by a safety lamp, shall designate a competent person or persons as fire boss or fire bosses, who shall make a thorough examination of each working place in the mine every morning with a standard safety lamp, not more than three hours prior to the appointed time for the employes to enter the mine. As evidence of such examination, the fire boss shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month upon which the examination is made. If there is any standing gas discovered, he must leave a danger signal across every entrance to such place.

[Examination of other than working places.] Each mine generating fire-damp so as to be detected by a safety lamp, shall be kept free from standing gas. All traveling ways, entrances to old workings, and places not in the actual course of working, shall be carefully examined with a safety lamp by the fire boss not more than three hours before the appointed time for persons employed therein to enter. Parts of the mine not in the actual course of working and available, shall be examined not less than once

each three days, and shall be so fenced as to prevent persons from inadvertently entering therein. (Sec. 955, 959; Penalty, Sec. 976.)

Sec. 926. [Breakthroughs and brattices.] From a point where the seam is reached in the opening of a mine, to a point not exceeding a distance of four hundred feet therefrom, breakthroughs shall be made between main entries, where there are no rooms worked, not more than one hundred feet apart, provided such entries are not advanced beyond the point where the breakthrough will be made until the breakthrough is complete. Breakthroughs between entries, except as hereinbefore provided, shall be made not exceeding sixty feet apart. Where there is a solid block on one side of a room, breakthroughs shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a breakthrough shall be made on one side or the other of each room, except the room adjoining said block, not to exceed forty feet from the outside corner of the breakthrough to the nearest corner of the entrance to the room, and on the opposite side of the same room a breakthrough shall be made, not to exceed eighty feet from the outside corner of the breakthrough to the nearest corner of the entrance to the room, and thereafter breakthroughs shall be made not to exceed eighty feet apart on each side of the room. No working place, except those provided for within a distance of four hundred feet of the principal openings of a mine, shall be driven

more than eighty feet in advance of a breakthrough or air-way. The required air current shall be conducted to the breakthrough nearest the face of such entry or room. All breakthroughs between entries, and when necessary between rooms, except the one nearest the working face, shall be closed and made air-tight by brattice, trap doors or other means, so that the current of air in circulation may sweep to the interior of the mine. Brattices between permanent inlet and outlet air-ways shall be constructed in a substantial manner of brick, masonry, concrete, or non-perishable material. In mines generating fire-damp, so as to be detected by a safety lamp, the air current shall be conducted by brattice, or other means, near enough to the working face to expel the fire-damp, and prevent an accumulation of the same. (Penalty, Sec. 976.)

Sec. 927. [**Safe appliances for hoisting persons.**] The owner, lessee or agent of a mine shall provide and maintain safe appliances, approved by the district inspector of mines, for the ingress and egress of persons in each shaft, designated by such owner, lessee or agent as a means of ingress and egress for persons employed therein. When there is but one shaft available for ingress and egress from any unavoidable cause, the appliances therein shall be kept available to persons therein employed at all times. When such appliances in any shaft are rendered unavailable from any cause, the same shall be restored without delay.

[Emergency appliances.] When the only means of egress is by vertical shaft, in which cages or elevators are used as a means of hoisting persons therein employed, and the power for operating same is derived from but one source, the owner, lessee or agent shall provide and keep on hand for use in the event of an accident to the hoisting apparatus or the power by which same is operated, a suitable windlass, capable of hoisting the persons from the mine.

[Competent engineers.] The owner, lessee or agent of a mine worked by a shaft or slope, shall put in charge of an engine used for lowering into or hoisting out of such mine persons employed therein, only experienced, competent and sober engineers. (Sec. 916, 928; Penalty, Sec. 976.)

Sec. 928. [Metal speaking tube and safety appliances.] The owner, lessee or agent of a mine operated by shaft, shall provide and maintain a metal tube suitable for conversation between persons, connecting the engine room with the top and bottom of such shaft; an approved safety catch, a sufficient cover, and rings or other adequate hand-holds for ten persons, on all cages used for lowering and hoisting persons: Such cages to be protected on each side by a boiler plate not less than one-fourth inch in thickness, and not less than three feet high, and shall provide an approved safety gate at the top of each shaft, an adequate brake to control the drum used for lowering or hoisting persons in shafts

or slopes, and an indicator on all machines used for such purpose, to show the location of cages in shaft or slope. No cage having an unstable or self-dumping platform shall be used for the carriage of persons unless such platform is securely locked. (Sec. 916, 927; Penalty, Sec. 976.)

Sec. 929. [Lowering and hoisting of persons.] The owner, lessee or agent of a mine, at which the only means of ingress and egress for the persons employed therein is by a vertical shaft, or shafts, of one hundred feet or more in depth, shall designate one or more persons whose duty shall be to attend to the lowering and hoisting of persons into and out of such mine, and give and receive the proper signals, governing the movement of the cage while engaged in handling men. Not more than ten persons shall be lowered or hoisted at any one time. The lowering of persons shall begin in time for persons to reach their working places by hour appointed for mine to commence work and continue until starting time. Hoisting of persons shall commence at time for mine to cease work, and continue until all have had time to be hoisted. Persons may be hoisted at such other times as will not interfere with the hoisting of coal, or other products. No person shall be lowered into or hoisted out of a mine, with powder, explosives, tools or material on any cage, in the same shaft, and no person shall be lowered or hoisted in a vertical shaft in a mine car. When the vertical shaft is less than one hundred feet in depth, and a stairway approved

by the district inspector of mines is not provided, the owner, lessee or agent shall be required to lower or hoist persons, as above prescribed, but when such stairway is provided, the hoisting of persons shall not be required. (Sec. 929, 942, 959; Penalty, Sec. 976.)

Sec. 930. [Owner, lessee or agent shall provide second opening.] The owner, lessee or agent of a mine shall not employ or permit any person to work therein except as hereinafter provided, unless to every seam worked in such mine there are at least two openings, separated by natural strata of not less than one hundred feet in breadth at any point, by which distinct means of ingress and egress are always available to the persons therein employed. Such openings need not belong to the same mine so long as the persons employed therein have safe, ready and available means of ingress and egress, by not less than two openings, provided, however, that no air shaft with a ventilating furnace at the bottom be designated or used as a means of ingress or egress. The provisions of this section shall not apply to opening a new mine while being worked for the purpose of making the second opening and the communication therewith, and the making of the landing or bottom and extending of the main entries one hundred feet while such communication is being made; to a mine in which the second opening has become unavailable from any cause while said second opening is being restored or another is being made; nor to a mine in which the second open-

ing has become unavailable by reason of the final robbing of the pillars previous to abandonment, so long as not more than twenty persons in either case are employed therein at one time.

[Fire protection to shafts.] At each mine at which the only means of egress is by vertical shaft, the owner, lessee or agent shall provide adequate fire protection to secure the safety of such shaft, or shafts, and, when but one shaft is the only available means of egress, shall keep in attendance a competent person at all times while persons are inside of such mine. (Penalty, Sec. 976.)

Sec. 931. [Separate traveling ways.] The owner, lessee or agent of a mine shall provide and maintain, in safe condition for the purpose provided, two separate and distinct traveling ways from the interior workings of the mine, each of which shall be available to not less than one opening to the surface. One of such traveling ways may be designated by such owner, lessee or agent as the principal traveling way. One of such traveling ways may be designated as the escapement way. The provisions of this section shall not prohibit such owner, lessee or agent from designating more than one principal traveling way, or more than one escapement way, so long as the provisions hereof are complied with.

[Traveling ways and refuge holes.] The owner, lessee or agent of a mine worked by shaft, shall provide and keep free from obstruction, a

traveling or passage way from one side of the shaft bottom to the other. Slopes and mechanical haulage ways used as traveling ways by persons employed in a mine shall be made of a sufficient width to give not less than three feet of space between the rib and adjacent rail of track to permit persons to pass moving cars with safety. If found impracticable to make such slopes or mechanical haulage ways of sufficient width as provided, refuge holes not less than six feet in width and clearing the adjacent rail of the track not less than four feet, and not more than sixty feet part, shall be made on one side of the slope or mechanical haulage way and whitewashed. The refuge holes shall be kept free from obstruction, and the roof and sides made secure. (Sec. 932, 959; Penalty, Sec. 976.)

Sec. 932. [Detaching locomotive from moving train. Traveling way where locomotive is detached.] At a mine, or in any part thereof, where a locomotive is detached from a moving train of cars for the purpose of dropping such cars past the locomotive, and the haulage way at such point is designated as the principal traveling way, a traveling way, not less than three feet wide and separated from the track by a pillar of coal or substantial fence, shall be provided at one side of that portion of the track from where the locomotive will be detached to the switch of the siding. Such traveling way shall be made on the same side of the track as the refuge holes. In no case shall a locomotive be detached from a train of moving cars, for the purpose of mak-

ing a drop thereof, more than one hundred feet from the switch of the siding. (Sec. 931, 959; Penalty, Sec. 976.)

[**Additional means of egress when inundation is probable.**] At any mine where there is a stream or body of water on the surface, or in the workings of a mine, at a higher level, which is likely to break through into such mine and inundate either the traveling or escapement way of such mine, so as to prevent the egress of persons employed therein, the owner, lessee or agent, shall, upon the written order of the chief inspector of mines, provide and maintain an additional opening by means of which such persons may escape without using the traveling or escapement way likely to be inundated. (Sec. 950; Penalty, Sec. 976.)

Sec. 933. [**Duties of owner, lessee or agent relating to supplying timber.**] The owner, lessee or agent of a mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner, the props of approximate length, caps and other timbers necessary to securely prop the roof thereof: Such props, caps, and other timbers, shall be delivered in mine cars at point where the miner receives his empty cars, or unloaded at the entrance to the room. (Sec. 953, 956; Penalty, Sec. 976.)

Sec. 934. [**Provisions for persons injured at mines.**] The owner, lessee or agent of a mine, at, in, or around which more than ten persons are

employed, shall keep at the mine in a convenient place, a stretcher, properly constructed, a woolen blanket, and a waterproof blanket, in good condition for use in carrying an injured person: When more than two hundred persons are employed, two stretchers, two woolen blankets, and two waterproof blankets shall be kept. A sufficient quantity of bandages and linen shall be kept on hand at all mines.

At mines generating fire-damp so as to be detected by a safety lamp, a sufficient quantity of olive or linseed oil shall be kept stored, at the mine, for use in an emergency. (Sec. 907, 921. 940, 951; Penalty, Sec. 976.)

Sec. 935. [Owner or lessee shall make map of mine.] The owner, lessee or agent of a mine having an excavation of fifteen thousand cubic yards, or more, shall cause to be made, on a scale of not less than two hundred feet per inch, an accurate map thereof, which shall show the following: The boundary lines and names of the owners of the surface of each tract under which excavation is made, and for not less than five hundred feet contiguous thereto, and under which excavations are likely to be made during the ensuing year, together with all streams and bodies of standing water; the township and county lines coming within the limits of such map, with the name of each plainly marked close to and parallel with such lines; the title, the name or number of the mine, or both, the township and county in which located; the section lines, with the num-

ber of each, marked plainly within the sections; the location of the mine openings, railroad tracks, public highways, oil and gas wells, magazines and buildings, and plainly marked with name of each; the location and extent of the excavations and connection with the surface survey; the direction of the air current, or air currents by arrows; the location and extent, so far as known or obtainable, of the excavation of any other mine or mines within the limits of the map; the boundary lines of the tracts of coal owned or leased within the limits of the map; the elevation of the floor of the excavation, above mean tide at Sandy Hook, at or near the boundary line or lines of the coal owned or leased where the coal is adjacent to coal owned by a person, firm or corporation, other than the owner or lessee of such mine, and where the excavations of such mine cease or may be approached by another mine, at points not exceeding three hundred feet apart, and referenced to some permanent monument near the main opening of such mine, and shown on the map and plainly marked bench mark, with the elevation of same. (Sec. 904, 917, 936, 937; Penalty, Sec. 976.)

Sec. 936. [**Addition to map, and certificate of engineer and mine-foreman.**] The owner,lessee or agent of a mine shall cause to be made, a map or an addition to the next previous map thereof, annually, and semi-annually if so directed in writing by the chief inspector of mines, showing the excavations and the information required by the preceding section, to date of survey. The

map, or maps, required by this and the preceding section, and any addition thereto, shall have the certificate of the engineer making same, and of the mine-foreman in charge of the mine at the time of the survey, acknowledged before a notary public or justice of the peace, thereon in the following form:

I, the undersigned, hereby certify that this map is correct, and shows all the information required by section nine hundred and thirty-five of the General Code, and covers the period ending .....:....., ...

.....

Engineer.

Acknowledged before me a ....., this ..... day of ....., ...

.....

I, the undersigned, hereby certify that I am a mine-foreman at the mine represented by this map, and to the best of my knowledge and belief the same correctly represents the excavations of the mine for the period ending ....., ...

.....

Mine-Foreman.

Acknowledged before me a....., this ..... day of ....., ...

.....

(Sec. 904, 917, 935, 937; Penalty, Sec. 976.)

Sec. 937. **[Owner, lessee or agent shall file map of abandoned mine with county recorder and chief inspector of mines.]** The owner, lessee or

agent of a mine, before the pillars are drawn previous to the abandonment of a mine, or any part thereof, shall cause to be made a correct map of such mine, or part thereof, showing its area and workings to the day of the abandonment; the pillars drawn previous to abandonment; and file such map within ninety days after the abandonment of such mine, in the office of the Recorder of the county where such mine is located, and with the chief inspector of mines at his office. Such map shall have attached thereto the usual certificate of the mining engineer making it, and the mine-foreman in charge of the underground workings of the mine, and such owner, lessee or agent shall pay to the Recorder for filing such map, a fee of fifty cents. (Sec. 921.)

[Copy of map to be filed with chief inspector.] The owner, lessee or agent of a mine shall keep at the office thereof, open to the inspection of the chief inspector of mines, and the district inspector of mines, a copy of the latest map of such mine, with any addition thereto, and shall furnish a copy thereof to the chief inspector of mines at his office. (Sec. 904, 917, 935, 936; Penalty, Sec. 976.)

Sec. 938. [Precautions when approaching abandoned mine.] Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine, as indicated by an accurate survey, or while driving any working place parallel with the workings

of such abandoned mine within a distance of one hundred feet thereof, and such abandoned mine cannot be explored, or when same contains fire-damp, or water which may inundate such working place, the mine-foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place, and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut or crossing. Whenever the limits of the workings of an abandoned mine are not known by actual survey, the above rule shall apply whenever any working place approaches within one hundred and fifty feet of the supposed limits of such abandoned mine. (Penalty, Sec. 976.)

Sec. 939. **[Notice must be sent to chief inspector in certain cases.]** The owner, lessee or agent of a mine shall give notice to the chief inspector of mines in the following cases: When a change occurs in the name of the mine, in the name of the owner, lessee or agent thereof, or in the officers of an incorporated company owning or operating such mine; when a working is commenced for the opening of a new shaft, slope or mine; when a mine is abandoned, or the working thereof discontinued; when the working of a mine is commenced, after an abandonment or discontinuance thereof for a period of more than three months; when the pillars of a mine are about to be removed or robbed; when a squeeze, crush, or fire occurs, or a dangerous

body of gas is found, or any cause or change that may seem to affect the safety of persons employed therein. (Sec. 940; Penalty, Sec. 976.)

Sec. 940. [Notice of accidents.] The owner, lessee or agent of a mine at which loss of life occurs by accident, shall give notice thereof, by telegram, forthwith, to the office of the chief inspector of mines, and to the coroner of the county in which such accident occurs; and, within twenty-four hours next after loss of life or personal injury has occurred, the owner, lessee or agent of the mine shall send to the chief inspector of mines a report in writing, of the accident, specifying the character and cause thereof, the names of the persons killed or injured, and the nature of the injuries. If a personal injury thereafter results in the death of the person injured, as soon as such death comes to his knowledge, the owner, lessee or agent shall give notice thereof forthwith, in writing, to the chief inspector of mines, and to the coroner of the county in which such accident occurred. (Sec. 907, 921, 934, 951; Penalty, Sec. 976.)

[Return of owner, lessee or agent.] The owner, lessee or agent of a mine, shall, on or before the thirty-first day of January of each year, send to the office of the chief inspector of mines, upon blanks furnished by him, a correct return, specifying with respect to the year ending on the preceding thirty-first of December, the quantity of coal mined, and the number of persons ordinarily employed at, in, and around such mine,

distinguishing the persons below and above ground, and give such other information as required by such blanks. (Penalty, Sec. 976.)

Sec. 941. [Test weights to be provided.] The owner, lessee or agent of a coal mine, at which the earnings of ten or more persons depend upon the weights of coal mined, shall provide and keep accessible for the purpose of testing the weigh scales as provided elsewhere in this act, the following standard test weights, properly sealed: Where the coal mined is weighed upon hopper or pan scales, two standard test weights of fifty pounds each; where the coal mined is weighed upon railroad track scales, ten standard test weights of fifty pounds each. (Sec. 910.)

[Owner, lessee or agent shall provide safety lamps.] The owner, lessee or agent of a mine generating fire-damp, so as to be detected by a safety lamp, shall keep on hand in proper condition for use, not less than four approved safety lamps, and upon request of the district inspector of mines, shall provide such additional safety lamps as in his judgment may be required to meet any probable emergency.

[Owner, lessee or agent shall provide shields on mining machines.] The owner, lessee or agent of a mine, shall provide and maintain a sufficient shield on each mining machine used in such mine, as may be authorized by the chief inspector of mines, or the district inspector of mines, for the protection of those employed in operating same. (Sec. 957; Penalty, Sec. 976.)

Signal Code.

Sec. 942. **[Signals at mines, how conducted; devices to be used.]** At each mine operated by shaft, the means of signaling to and from the bottom man, the top man, and the engineer shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air, or other devices. The following signals are provided for use at mines where signals are required:

SIGNAL CODE.

From the Bottom to the Top.

[One ring or whistle.] One ring or whistle from the bottom to the top shall signify to hoist coal or the empty cage, and also to stop either when in motion.

[Two rings or whistles.] Two rings or whistles shall signify to lower cage.

[Three rings or whistles.] Three rings or whistles shall signify that men are coming up; when return signal is received from the engineer, men will get on the cage, and cager shall ring or whistle one to start.

[Four rings or whistles.] Four rings or whistles shall signify to hoist slowly, implying danger.

[Five rings or whistles.] Five rings or whistles shall signify accident in the mine and a call for a stretcher.

From the Top to the Bottom.

[One ring or whistle.] One ring or whistle from the top to the bottom shall signify: All ready, get on cage.

[Two rings or whistles.] Two rings or whistles shall signify: Send away empty cage.

[Addition to code, when allowed; code must be posted at top and bottom.] Provided, that the management of any mine, may, with the consent of the district inspector of mines, add to this code of signals in his discretion, for the purpose of increasing its efficiency, or of promoting the safety of the men in said mine, but whatever code may be established and in use at any mine must be furnished by the mining department, conspicuously posted at the top and at the bottom and in the engine room, for the information and instruction of all persons concerned.

[Emergency signal in shafts.] At each mine where persons are hoisted in a vertical shaft, an emergency signal shall be provided in such manner that persons can give signals from the cage, in the event the cage is stopped between the top and bottom landings. (Sec. 929; Penalty, Sec. 976.)

Sec. 943. **[Lights in mines.]** The owner, lessee or agent of each mine shall provide an enclosed lard or signal oil lamp or lantern or incandescent electric light at such point or points in the mine as may be necessary for the proper safety of persons, especially at the top of ex-

treme grades. No open light shall be used for fixed or stationary purposes; no open torches or lamps larger than the lamps provided for in this act for use as open lights, and no coal oil or kerosene lamp or lanterns, shall be used in a mine. This, however, shall not prevent the use of a torch or blow-torch for mechanical purposes other than illumination. (Sec. 961.)

[Light or signal on locomotives and trains.] The owner, lessee or agent of a mine at which locomotives are used for hauling the coal, shall keep a light on the front end of the locomotive when it is in use, and when the locomotive is run ahead of the trip, and the trip-rider is not required to ride the rear car of the trip, a signal, light or marker, approved by the district inspector of mines, shall be carried on the rear end of the trip to indicate when the trip has passed. Cars shall not be pushed ahead of the locomotive where it can be avoided, and when cars are run ahead of the locomotive a light shall be carried on the front end of the trip and the cars shall not be moved at a speed greater than four miles per hour. When rope haulage is used, an enclosed light shall be carried on the front end of each train so hauled. When a mechanical haulage trip passes through an automatic door having no attendant other than persons in charge of such trip, the trip-rider shall be required to ride the rear car of the trip while passing through such door, and see that it closes after the trip passes through. (Sec. 923, 958; Penalty, Sec. 976.)

Sec. 944. [Employment of minors.] The owner, lessee or agent of a mine shall not employ, or permit to work therein, any boy under fourteen years of age; nor employ, or permit to work therein, any boy under fifteen years of age during a term of the public schools, in the district in which he resides. (Sec. 912, 953.)

[Removal of combustible matter.] Whenever an entry or air-way becomes so dry that the air becomes charged with dust, the owner, lessee or agent shall cause such entry or air-way to be sprinkled, and all accumulated matter, explosive in its nature, shall be removed from the mine. (Sec. 956.)

[Quantity of oil in mine restricted.] No oil shall be taken into or stored in a mine except as may be required to be opened for use within two days thereafter; and in no case shall more than two barrels of oil be kept at any one place, and not more than ten barrels of oil shall be had in a mine at any one time. All waste oil and empty barrels shall be promptly removed from the mine. (Sec. 974, 975.)

[Location of boilers at mine.] The permanent boilers used for generating steam, and the buildings containing the boilers, shall not be nearer than sixty feet to any mine opening or to a building or inflammable structure connected with or surrounding such opening. (Penalty, Sec. 976.)

Sec. 945. [Relating to underground stables.] The owner, lessee or agent of a coal mine at which the live stock is kept underground, shall observe the following: The stable or stalls shall be separated from the main inlet and main outlet air-courses by not less than twenty feet of solid strata or a solid wall of brick or masonry not less than twelve inches in thickness, except at two doors not more than five feet wide, which shall be made of steel plate not less than one-quarter inch in thickness and hinged to the solid strata or masonry without the use of wood; the ventilation for the stable shall be taken from main inlet air-course by a by-pass or separate split and returned to the main outlet air-course so that the air passing the stables will not enter the inward working places of the mine, and arranged so that the by-pass or split can readily be closed at both inlet and outlet sides of the stable by steel doors hinged to the solid strata or masonry without the use of wood; the construction of the stable inside shall be free from pine or light lumber; shall be of brick or masonry as much as practicable, and any timber used shall be of hardwood of a cross section not less than three by six inches; no hay or straw shall be taken into the mine or stable unless same be compressed into compact bales, and then only from time to time in such quantities as will be required for two days' use; no greater quantity of hay or straw shall be stored in the mine or stable, and when such is taken into the mine it shall be taken inside the stable at once; the lights used in the stable shall be incandescent

electric lamps, placed so that same will not be injured by the stock or by persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein; all refuse and waste shall be promptly removed from the stable and the mine, and shall not be allowed to accumulate. Stables constructed underground after the passage and approval of this act, shall be located not nearer than one hundred and fifty feet of any opening to the mine used as a means of ingress or egress. (Sec. 955, 960; Penalty, Sec. 976.)

Sec. 946. **[Relating to use of gasoline in mines.]** No gasoline, naphtha or kerosene engine shall be used in a mine, except for operating pumping machinery where electric, compressed air or steam power is not available or cannot be transmitted to the pump, and then the owner, lessee or agent shall observe the following: Notice shall be made to the chief inspector of mines before installing, and the installation and operation shall be subject to his approval: No wood or inflammable material shall be permitted nearer than twenty-five feet of the engine: The supply tank from which the gasoline, naphtha or kerosene is fed to the engine, shall be of metal, with a suitable screw cap opening, fitted with a gasket, so as to make the tank air-tight and prevent the escape of gas into the atmosphere, and the tank kept free from leaks: The gasoline, naphtha or kerosene shall be fed from a tank to the carburetor or mixer by metal tubes

securely connected so as to reduce the possibility of leaks to a minimum: The exhaust from the engine shall be conducted by means of metal pipes into the return air current, so that the fumes of combustion will not enter the workings of the mine where the men are required to work, or be conducted in an upcast shaft or slope not used as a means of ingress or egress, or through metal pipes to the surface: At no time shall there be more than five gallons of gasoline, naphtha or kerosene in the supply tank; at no time shall more than five gallons of same be taken into the mine at any one time, and at no time shall there be more than ten gallons in the mine, including that in the supply tank: No gasoline, naphtha or kerosene shall be taken into the mine except in metallic cans, with a screw cap opening at the top, fitted with a suitable gasket: No package or can, or the supply tank of an engine, containing gasoline, naphtha or kerosene, shall be opened until ready to make the transfer from the package or can to the supply tank, and in transferring, a funnel shall be used so as to avoid spilling the gasoline, naphtha or kerosene, and the cap on the supply tank shall be immediately closed: In no case shall the package, can, or the supply tank, be opened, with any open light or other thing containing fire within twenty-five feet of same. (Penalty, Sec. 976.)

Sec. 947. [Relating to use of electricity in mines.] The owner, lessee or agent of a mine in which electricity is used as a means of power,

shall observe the following in the application thereof:

[Trolley wires.] All trolley wires shall be carried at least six inches outside of and parallel with the track rail on the side the trolley wire is located. When regular height is less than six feet six inches from top of rail, the lower side of trolley wire must not exceed six inches from the roof or cross-timber with hangers now in use, with hangers not to exceed twenty-five feet between centers, and the tension sufficient to keep all wires from sagging and to prevent trolley wheel from coming in contact with roof or cross-timbers. All new hangers hereafter installed shall not exceed five inches in depth from lower side of the trolley wire to the roof or cross-timbers.

[Wires crossing traveling ways.] All trolley and positive feed wires crossing places where persons or animals are required to travel, shall be safely guarded or protected from such persons or animals coming in contact therewith.

[Wires opposite rooms and refuge holes.] All trolley and positive feed wires shall be placed on opposite side of track from refuge holes or necks of rooms.

[Bare wires; when not to extend into working places.] No trolley wire shall be extended into or maintained in any room while being used as a working place; no trolley or feed wire shall be extended into any entry beyond the outside corner of the last breakthrough.

[Switches and circuit-breakers.] Switches or circuit-breakers shall be provided to control the current at the mine, and at all important points in the mine.

[Machine feed wires and insulators.] All machine feed wires shall be placed as near the rib and roof or cross-timbers as practicable; the positive wire to be carried not to exceed three inches from the rib and roof or cross-timbers, measured at the insulators, which shall be so placed as to keep the wire at least six inches outside of the track rail on the side the wire is located. Insulators shall be placed not exceeding fifty feet apart, and all wires shall be carried so that same will be not less than six inches outside of the track rail at any point on the side the wire is located. All positive wires shall be carried on glass or porcelain insulators, or insulators equally efficient. All negative wires shall be carried on suitable fixtures, and when carried in same entry as the positive wire, shall be carried on the same side of the entry as the positive wire, and as close to it as practicable. When machine or feed wires are carried in same entry as trolley wire, they shall be placed on the same side as the trolley wire, between trolley wire and rib. Nothing in the foregoing shall require negative wires being carried in same entry with positive wire.

[Wires in shafts or slopes.] When necessary to carry wires down shafts or slopes used as traveling ways, the wires must be thoroughly

cased or protected, so that persons cannot be shocked therefrom.

[Wires; how placed in rooms.] Positive machine feed wires, when extended into rooms, shall be placed not nearer than four feet of the track, where the room is of sufficient width, and the same shall only be connected to the positive wire or wires on the entry while in actual use. The material used for making such connection shall be of sufficient length to reach across the entry, and when same is disconnected, it shall be kept with the machine operating at such point or working place. No electric wires shall be extended into any room unless a one hundred and fifty foot cable will not reach the face of the room, and then not beyond the outside corner of the last breakthrough.

[Protection of terminal ends.] All terminal ends of positive wires shall be guarded so as to prevent persons inadvertently coming in contact therewith.

[Connection of negative wires, pipe lines and track. Bonding of track.] The bonded track, the negative wires and metallic pipe lines, when coming near each other, may be connected together at intervals not exceeding five hundred feet, and any track used as the return or earth system shall be properly bonded. In no case shall a pipe line, or any part thereof, be used exclusively as the return, and when connected to the earth system, the negative wire or bonded

track shall be of ample capacity, exclusive of the pipe line, to carry the current.

[Trolley wires; how erected.] The trolley wire shall be carried upon hangers or other fixtures which will properly insulate it from contact with the roof or other substances, and so the trolley wheel can trail without the necessity of being constantly attended for that purpose, and no trolley shall be run on any wire not so carried.

[Locomotive must not be operated improperly.] No locomotive shall be operated by means of a person holding and sliding upon or frequently making contact with the positive wire with any device attached to the cable as a substitute for a trolley, but these provisions shall not prohibit the operation of a locomotive by means of a cable without the use of the trolley, provided the cable be connected to and disconnected from the positive wire when the locomotive is not in motion.

[Protection to machine cable crossing entry track.] Means shall be provided by which machine runners may readily carry the machine cable from the machine to the feed wires on one side of the entry, either under or over the track rails, in the entry where such wires are located, and so the cable will not come in contact with such track rails, thereby reducing the danger of shock to persons or animals required to travel such entry, to the minimum. (Sec. 911, 948; Penalty, Sec. 976.)

Sec. 948. **[Voltage at mines hereafter electrically equipped.]** The owner, lessee or agent of a mine at which electricity with a pressure or potential of more than three hundred and twenty-five volts, or alternating current, is used, shall, in addition to the provisions of the preceding section, observe the following:

[Limit to voltage in or about working places.] At each mine equipped with electric power after the passage and approval of this act, the current used to operate gathering locomotives, mining machines, shearing machines, drills and other machinery, used in or about the working places of the mine, shall not exceed in pressure or potential, three hundred and twenty-five volts, direct current, as shown at the nearest switchboard, and the wires conducting the power from the nearest switchboard shall not carry a higher pressure or potential.

[Relating to alternating current.] At each mine equipped with electric power after the passage and approval of this act, no alternating current shall be used underground to operate any machinery other than that necessary to convert the alternating current to direct current, and no wires carrying alternating current shall be used underground except same be carried in an entry or passage-way where persons and animals are not permitted to travel.

[Relating to higher voltage mines hereafter equipped.] At each mine equipped with electric power after the passage and approval of this act,

when the current used to operate haulage locomotives, pumps and other machinery not located in or about the working places of the mine, is of a pressure or potential in excess of three hundred and twenty-five volts, direct current, the entry or passage way where such wires are carried shall not be designated or permitted to be used as the principal traveling way, and when designated or used as the escapement way, the wires shall be protected so that persons required to travel near same in emergencies will not inadvertently come in contact therewith. No pressure in excess of six hundred and fifty volts at the switchboard shall be used underground.

[Relating to higher voltage, mines heretofore equipped.] At each mine equipped with electric power prior to the passage and approval of this act, where the pressure or potential is in excess of three hundred and twenty-five volts, direct current, or where alternating current is used, and the conditions surrounding the use of same are such, in the opinion of the chief inspector of mines, that the provisions of the preceding section do not provide the required protection from shock to persons employed therein, such additional safeguards shall be employed as may be required by the chief inspector of mines, and the district inspector of mines, jointly. (Sec. 911, 947; Penalty, Sec. 976.)

Sec. 949. [Relating to construction of new mines.] Any person, firm or corporation beginning the opening of a mine, whether such person,

firm or corporation be the owner, lessee or agent of the property upon which such mine is located, or not, shall observe the following in the construction of such mine: If the opening be a slope or vertical shaft, no explosive used therein shall be fired by means of a squib or fuse after the same is extended more than twenty-five feet from the surface, and thereafter and until the slope or shaft reaches the seam, and the entry or landing be extended beyond a breakthrough or other place driven at right angles thereto, no explosive shall be fired except by means of an electric battery operated from the surface after all persons are on the surface. A substantial structure to sustain sheave wheels or pulleys, ropes and loads, shall be provided, and if the opening be a shaft, the same shall be placed at a height of not less than twenty feet above the tipping place. A landing platform shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied, and in no case shall the shaft be sunk to a depth of more than thirty feet without such structures. If the bucket used for hoisting material is to land on a truck, the track on which said truck is operated, and the platform, shall be so constructed that material cannot fall into the shaft. Rock and coal shall not be hoisted from a shaft or slope except in a bucket or cage attached to the rope by a safety hook, clevis, or other safe attachment, and the bucket or cage securely locked so that same cannot tip or empty while being hoisted. The rope shall be fastened to the side of the drum, and not

less than three coils of rope shall always remain on the drum. After the shaft reaches a depth of one hundred feet, the same shall be provided with guides and guide attachments, applied in such a manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft. The sides of all shafts shall be properly secured for safety, and no loose rock or material shall be allowed to remain on any timber in the shaft after each blast. All loose timber, tools, and materials, shall be kept away from the top of the shaft, so as to reduce the danger of same falling down the shaft. Where explosive gas is encountered, the person in charge shall see that the shaft or slope is examined before each shift of men enter to work, and before the men descend after each blast. Provision shall be made for the proper ventilation of the slope, or shaft, so that persons working therein will have the necessary air. An efficient brake shall be attached to each drum of an engine used in hoisting material and persons, and all machinery, ropes and chains connected therewith shall be carefully examined once each twelve hours. Not more than four persons shall be lowered or hoisted in or on a bucket at one time, and no person shall be permitted to ride on a loaded bucket. The bucket used in lowering or hoisting persons shall be equipped with proper safety devices, so that same cannot become detached from the rope or cable, and cannot tip or turn

upside down while being so used. The chief inspector of mines, and the district inspector of mines, shall have jurisdiction over such mine when the shaft or slope reaches a depth of twenty-five feet, and such person, firm or corporation shall comply with any order issued by either or both of them with respect to the safety of persons employed. Other than the provisions herein, the provisions of this act shall not apply to the opening of a mine until such opening reaches the seam, and the entry or landing be extended beyond a breakthrough, or other place driven at right angles thereto. (Penalty, Sec. 976.)

Sec. 950. **[Additional openings; when and how provided for.]** When, in the opinion of the district inspector of mines, together with the chief inspector of mines, the ways and means of egress in any mine under their jurisdiction, from the interior working places to the surface, as provided for in this act, are inadequate as a safe and ready means of escape in case of probable emergency, and there are extra hazards of a permanent nature that cannot be removed either from long distance from the interior working places to the exterior openings for egress, from danger of fire at any point, or any other cause that probably will result in the entombment of persons working therein, they shall jointly give notice in writing to the owner. lessee or agent of such mine, and require an additional opening by shaft, slope, or drift, from the surface; the location of the interior end of such shaft, slope or

drift, to be sufficiently near the interior working places in that part of the mine where such persons are endangered, to afford such persons safe and ready means of escape, free from such hazards. If the owner, lessee or agent of such mine on the one part, and the district inspector of mines together with the chief inspector of mines on the other part, fail to agree as to the location of such additional opening, or, if the owner, lessee or agent of such mine considers that the conditions and hazards enumerated in such notice do not justify the requirement of such additional opening, such owner, lessee or agent, may, within five days after receiving such notice, appeal against such requirement on the part of the district inspector of mines and the chief inspector of mines, to any court of competent jurisdiction within the state. (Sec. 932; Penalty, Sec. 976.)

Relating to Superintendent, Mine-Foreman and Over-Seer.

RELATING TO SUPERINTENDENT, MINE-FOREMAN AND OVER-SEER.

Sec. 951. [**Duties of superintendent.**] The superintendent in charge of a mine shall see that the provisions of this act are carried out, and shall, in case of an accident resulting in the death of or injury to persons, carefully investigate such accident, and report to the chief inspector of mines, as provided for in this act, and to the owner, lessee or agent of the mine. He shall give such other notice to the chief inspector of mines as required by the provisions of this act, and shall co-operate with the mine-foreman and direct him as may be necessary in securing a compliance with the provisions of this act, and the safety of the persons employed in the mine. Nothing herein shall prohibit the superintendent from fulfilling the duties of mine-foreman. (Sec. 940, 952, 953, 965; Penalty, Sec. 976.)

Sec. 952. [**Duties of mine foreman.**] The mine-foreman shall attend personally to his duties in the mine, carry out all the provisions set forth in this act, see that the regulations prescribed for each class of workmen under his charge are carried out in the strictest manner possible, and see that any deviations from any of them are promptly adjusted. (Sec. 953, 965.)

[**When ventilation stops.**] In case of accident to a ventilating fan, or its machinery,

whereby the ventilation of the mine would be seriously interrupted, he shall promptly order the men to immediately withdraw from the mine and not return to their work until the ventilation has been restored, and his permission to enter is given; if at a mine which generates fire-damp, he shall not order them to return until the mine has been thoroughly examined by him, or his assistant, and reported to be safe. (Sec. 922, 923, 924.)

[Dangerous places fenced.] He shall see that all dangerous places are properly fenced off, and proper danger signal boards are hung on such fencing that they may be plainly seen; he shall also travel all air-ways, and examine all the accessible openings to old workings as often as is necessary to insure their safety. (Sec. 925.)

[Examination of working places.] He shall examine each working place, or have it examined by his assistant, at least once each alternate day that persons are or should be at work therein, and oftener, when, in his judgment, the circumstances require. He shall instruct pick miners and machine runners regarding the width of working places. (Sec. 956.)

Sec. 953. [When working place is unsafe.] When a working place becomes unsafe from any cause, he shall order the person or persons working therein, to cease mining or loading, and not

to remain in such working place, except as may be necessary to make it safe, until it is made safe. (Sec. 956.)

[Supplying of props and timber.] He shall see that the working place of each miner is kept supplied with props of approximate length, caps, and other timbers necessary to securely prop the roof thereof. When he examines a working place, he shall observe the condition of the roof and timbering, and instruct the workmen therein as to the proper method of timbering for the security of the roof. He shall give such instructions to drivers, motormen, trip-riders, and other persons, as may be necessary to keep a supply of timber in each working place. (Sec. 933, 956.)

[Miner without props or timber.] When he finds a miner in a working place without the necessary props, caps or timbers to securely prop the roof thereof, he shall order such miner to leave such working place until the required timber is supplied, which he shall attend to promptly, and shall order that no cars be delivered to such miner, until timber is supplied. Sec. 933, 956.)

[Measure and report of ventilation.] He shall keep a careful watch over the ventilating apparatus and air-ways, and measure the ventilation at least once each week, at the inlet and outlet, and at or near the face of all entries; which measurement shall be noted on blanks fur-

nished by the chief inspector of mines. On the first day of each month, he shall sign such blanks, properly filled with the actual measurements, and forward them to the chief inspector of mines. (Sec. 922, 923, 924, 952.)

[Record of boys employed.] He shall keep a record of the boys under sixteen years of age employed by him, or by any other person, giving the name, age, place of birth, name and residence of parents, and character of employment. He shall require written evidence from the parent or guardian of each of said minors, that the requirements of the school laws of this state have been complied with. (Sec. 912, 944.)

[Assistant mine-foreman.] The duties of mine-foreman shall apply to assistant mine-foreman, when acting for the mine-foreman, or in discharging the duties thereof. (Sec. 952, 965; Penalty, Sec. 976.)

Sec. 954. [Relating to over-seer.] The over-seer shall visit the working place of each inexperienced person engaged at mining or loading, at such intervals as provided for in this act, and instruct them as to their work and safety and assist them in caring for their safety. He shall instruct such persons not to handle or use any explosives except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. When, in his judg-

ment, such persons require more frequent supervision than provided for in this act, he shall visit their working places as frequently as in his judgment the circumstances require. The foregoing shall not prohibit the mine-foreman from fulfilling the duties of over-seer, so long as all the provisions of this act are complied with. (Sec. 965; Penalty, Sec. 976.)

Relating to Stableman and Fire-Boss.

RELATING TO STABLEMAN AND FIRE-BOSS.

Sec. 955. [**Duties of stableman.**] The stableman shall see that the provisions of this act relating to stables are carried out, and shall forbid persons not required by duty, to enter the stable or loiter in or about same, whether the stable be inside of the mine or on the surface. (Sec. 945, 960.)

[**Duties of fire-boss.**] The fire-boss shall examine with a safety lamp each working place, whether same is in the actual course of working or not, the traveling ways and entrances to old workings in the mine every morning, not more than three hours prior to the appointed time for the employes to enter the mine. As evidence of such examination, he shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month. If there is any standing gas discovered, he shall leave a danger signal across every entrance to such place.

[**Report on blackboard.**] He shall make a report on a blackboard provided on the outside of the mine for that purpose, and arranged so the men can conveniently inspect it, showing the condition of the mine as to the presence of fire-damp, and indicating the place, or places, where present, if any is present, before he permits any person to enter the mine. He shall examine parts

of the mine not in the actual course of working and available, not less than once each three days.

[Written report.] The fire-boss shall make a written report, which shall be kept in the office, or some place at the mine where it can be seen by the mine inspector when called for. He shall see that every part of the mine is kept free from standing gas, and that all old workings are properly fenced off, as provided for in this act. He shall return to the mine with the miners and remain there at least one hour, attending to the removal of any standing gas. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and if more than three hours elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp, and reported safe before persons go to them. (Sec. 925, 959; Penalty, Sec. 976.)

Relating to Employes Generally.

RELATING TO EMPLOYES GENERALLY.

Sec. 956. [**Duties of miner. Examination of working place.**] Each miner shall examine his working place upon entering same, and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in a safe condition at all times. (Sec. 952.)

[**Shall cease work when place is dangerous.**] Should he at any time find his place becoming dangerous from any cause or condition, he shall at once cease work, and notify the mine-foreman, or assistant mine-foreman, of such danger, and, upon leaving such place, he shall place some plain warning at the entrance thereto, to warn others from entering into the danger, and shall not return until ordered to do so by the mine-foreman, or assistant mine-foreman. (Sec. 953.)

[**Shall prop roof, etc.**] Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order, or orders, given by the superintendent or mine-foreman relating to the width of working places, and to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working place. Such miner, or other person, shall not be held to have violated the provisions of this clause if the owner, lessee or agent fails to supply the necessary props, caps,

and timbers, as provided for in this act. (Sec. 933, 953.)

[Shall not waste props, etc.] Each miner, or other person shall avoid waste of props, caps, timber, or other material. When he has props, caps, timber, or other material unsuited for his purpose, he shall not cover up or destroy same, but shall place it near the track where it can be readily seen. (Sec. 933, 953.)

[Blasting when fire-damp is generating.] He shall not fire a blast in any working place which is likely to generate sudden volumes of fire-damp, or where locked safety lamps are used, except with the consent of the mine-foreman, or other competent person designated by the mine-foreman for that purpose. (Sec. 962.)

[Blasting when restricted to specific times.] At a mine where the firing of shots is restricted to specific times, no miner shall fire a shot until the time appointed for him to do so, and then only in such rotation as designated. (Sec. 962.)

[Examination after blasting.] After each blast, he shall exercise great care in examining the roof and coal, and shall secure them safely before beginning to load coal. (Sec. 962.)

[Shall post after undermining.] After the coal is undermined, he shall, before shooting the coal, properly post the roof of his working place.

[Must not go under draw-slate.] When draw-slate is over the coal, he shall not go underneath

the draw-slate until it is made safe from falling, by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the draw-slate.

[Shall load fine coal.] He shall not place in the gob or refuse pile, or cover up, any fine coal or coal dust, but shall load same into cars. (Sec. 944; Penalty, Sec. 976.)

Sec. 957. [Duties of machine men.] Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place, and shall warn persons not engaged in the operating of a machine of the danger in going near the machine while it is in operation, and shall not permit such persons to remain near the machine while it is in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machine. They shall not move the machine while the cutter chain is in motion. When connecting the power cable to the electric wires, they shall make the negative or grounded connections before connecting to the positive, and when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative or grounded. When positive feed wires extend into rooms, they shall connect such wires to the positive wire on the entry before connecting the power cable, and as soon as the power cable is disconnected shall disconnect such wire from the wire on the entry. They shall use care

that the cable does not make contact with metallic rails of the track, and shall avoid, where possible, leaving the cable in water. If they remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible. (Sec. 941; Penalty, Sec. 976.)

Sec. 958. [**Duties of motormen and trip-riders.**] Motormen and trip-riders shall use care in handling the locomotive and cars, and shall see that the signal or marker, as provided for, is used as provided, and shall be governed by the speed provided for in this act in handling cars.

They shall not run the locomotive with the trolley ahead of the locomotive, except in cases where they cannot do otherwise, and then only at a speed of two miles per hour.

They shall warn persons forbidden to ride on the locomotive or cars, and shall not permit such persons to ride on locomotive or cars contrary to the provisions of this act.

[**Duties of trip-rider, rope haulage.**] The trip-rider in charge of rope haulage trips shall see that the signal light, as provided for in this act, is in place and in proper condition before starting trip.

[**Drivers.**] Drivers shall use care in handling cars, especially going down extreme grades, and at junction points.

[**Those in charge of trips of cars shall see that doors are closed.**] Motormen, trip-riders and

drivers in charge of haulage trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through. (Sec. 923, 943, 961; Penalty, Sec. 976.)

Sec. 959. **[Persons must not enter mine until fire-boss reports.]** No person shall enter a mine generating fire-damp so as to be detected by a safety lamp, until the fire-boss makes a report outside the mine on a blackboard provided for that purpose, and arranged where the men can conveniently inspect it. No person shall go beyond a danger signal, until all standing gas discovered has been removed or diluted and rendered harmless by a current of air. (Sec. 925, 955.)

[Persons ordered to withdraw must not re-enter without permission.] Any person being ordered by the mine-foreman to withdraw from the mine on account of the interruption of the ventilation shall not re-enter the mine until given permission to do so by the mine-foreman. (Sec. 952.)

[Not more than ten persons on a cage.] When more than ten persons get on a cage or elevator to be lowered into a mine, or to be hoisted out of a mine, the person in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to ten persons, and the persons so ordered shall immediately comply. (Sec. 929.)

[Employes shall not loiter.] Each employe of a mine shall go to and from his place of duty by the traveling ways provided; shall not travel around the mine, or the buildings, tracks or machinery connected therewith, where duty does not require, and when not on duty, shall not loiter at, in, or around the mine, the buildings, tracks or machinery connected therewith.

[Intoxicants.] No person shall go into, at, or around a mine, or the buildings, tracks or machinery connected therewith, while under the influence of intoxicants. No person shall use, carry, or have in his possession, at, in, or around a mine, or the buildings, tracks or machinery connected therewith, any intoxicants.

[Must not go beyond danger signal.] No person other than the fire-boss shall remove or go beyond any caution board or danger signal placed at the entrance to any working place, or to the entrance to any old workings in a mine.

Sec. 960. [Intent to defraud.] No person shall erase or change a mark of reference or monument made in connection with measurements; change the checks on cars; wrongfully check a car, or do any act with intent to defraud.

[Fire must not be taken into stable.] No person shall take a lighted pipe, or other thing containing fire, except lanterns as provided for, into any stable or barn. (Sec. 945-955.)

[Must not obstruct airway.] No person shall place refuse in, or obstruct any airway or breakthrough used as an airway.

[Injuries to mine by workmen and others.] No workman, or other person, shall knowingly injure a water gauge, barometer, air-course, brattice, equipment, machinery, or live stock; obstruct or throw open an airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the mine or those working therein; disobey an order given in pursuance of law, or do a willful act whereby the lives and health of persons working therein, or the security of a mine, or the machinery connected therewith may be endangered. (Penalty, Sec. 976.)

Sec. 961. [Persons not permitted to ride on haulage trips.] No person or persons except those in charge of trips, superintendents, mine-foremen, electricians, machinists and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing, between the owner, lessee or agent, and the employes, a special trip of empty cars is run for the purpose of taking employes into and out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding eight miles per hour. No person except a trip rider shall ride on loaded car or cars, and he shall ride only the front or rear end of the trip. (Sec. 958.)

[Size of lamps for open lights.] No person, except as hereinafter provided for, shall use in any coal mine, any oil lamp for the purpose of maintaining an open light, more than two and one-half inches in height, with spout not more than three inches long, with opening not more than three-eighths inch in diameter; provided, however, that mine-foreman, electricians, machinists, motormen, trip-riders, drivers, and other persons whose duties require them to ride on moving trips, work in main air current, or travel frequently from place to place, may use lamps not exceeding three and one-half inches in height, with spout not more than four and one-half inches long, with opening not more than five-eighths of an inch in diameter. (Sec. 943; Penalty, Sec. 976.)

Sec. 962. [Handling and storing of explosives.] No workman shall have at any one time more than one twenty-five pound keg of blasting powder in the mine, nor more than three pounds of high explosives, and no person shall keep blasting powder or explosives dangerously near the electric wire or power cable in any part of the mine where electric wires are in use. No blasting powder, or other explosive, shall be stored in any mine except as above provided.

[Explosives kept in boxes.] Every person who has powder or other explosives in a mine shall keep same in a wooden box, or boxes, securely locked, and said boxes shall be kept at least five feet from the track, and no two powder

boxes shall be kept within twenty-five feet of each other, nor shall blasting powder and high explosives be kept in the same box, and in no case shall detonating caps be kept in a box with blasting powder or high explosives.

[Fire must be kept from explosives.] Whenever a workman is about to open a box, package or keg containing powder or other explosives, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current cannot convey sparks to it; and no person shall approach nearer than five feet to any open box, keg or package containing powder or other explosives, or within five feet of another person handling such explosives, with a lighted lamp, lighted pipe, or other thing containing fire.

[Conveying of explosives.] Blasting powder or explosives must not be taken into or out of a mine, or moved from place to place in a mine along any entry or haulway where there are electric wires, while the power is on such wires, except when such powder or explosive is conveyed in insulated cars or packages.

[Explosives and tools on cages or stairways.] Powder, explosives and working tools shall not be taken down or up a hoisting shaft in a cage when men are going down or up; nor shall they be taken down or up a stairway used for ingress and egress of persons. (Sec. 956, 963; Penalty, Sec. 976.)

Sec. 963. [Squibs and fuses; missed shots.] Any workman who is about to fire a shot with a squib, shall not shorten the fuse, saturate it with oil, nor ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and if it be a rib shot, he shall notify the person or persons working next to him on said rib before firing said shot, and shall take measures to prevent any one approaching by shouting "fire" immediately before lighting the fuse.

When a squib is used and a shot misses fire, no person shall return until five minutes shall have elapsed.

When a fuse is used and a shot misses fire, no person shall return until one hour for each foot of fuse used shall have elapsed.

The needle used in preparing a blast shall be made of copper, and the tamping bar shall be made of wood, or shall be tipped with at least five inches of solid copper.

No inflammable material, or any material that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used. (Sec. 956, 962; Penalty, Sec. 976.)

Relating to Persons not Employes.

RELATING TO PERSONS NOT EMPLOYES.

Sec. 964. **[Persons not employes of a mine.]** Persons not employes of a mine, except those permitted by law, shall not enter such mine or go upon the property connected therewith, unless consent of the owner, lessee or agent has been secured, and then only when accompanied by a guide furnished by such owner, lessee or agent. This, however, shall not prohibit persons seeking employment at such mine, or the duly authorized representatives of the employes, from entering upon the property as may be necessary to make such application to the proper authority or to transact business, provided such persons do not enter the mine until given permission to do so, and do not stand on the tracks, go near the machinery, or other place of danger. (Penalty, Sec. 976.)

General Provisions.

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GENERAL PROVISIONS.

Sec. 965. [Qualifications of miner.] Each person desiring to work by himself at mining or loading, shall first produce satisfactory evidence, in writing, to the mine-foreman of the mine in which he is employed, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner; provided, however, if the mine in which such person is to be employed generates explosive gas, or fire-damp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Except as hereinafter provided, until a person has so satisfied the mine-foreman of his competency, he shall not work, or be permitted to work at mining or loading unless accompanied by a competent miner.

[Inexperienced miner.] The provisions of this section shall not prohibit a person not so qualified from working in a mine by himself, or with another inexperienced person, when such person or persons work under the direction of a competent overseer, as hereinafter prescribed. Until such person or persons have been employed in a mine for a period of not less than three months, the over-seer shall visit the working place of such persons not less frequently than once in each four hours that such persons are in the mine, and instruct them as to their work and safety, and assist them in caring for their

safety. After such persons have been employed in a mine for a period of three months, and until they have been employed not less than six months, the over-seer shall examine the working place not less frequently than once during each six hours that such persons are in the mine, and shall instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of not less than six months, the over-seer shall examine the working place not less than once each day until such persons become qualified by having worked the period of time hereinbefore provided. The over-seer shall instruct such persons not to handle or use any explosives, except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. The over-seer shall visit the working place of such persons oftener than required herein, when, in his judgment, it is necessary to do so for the proper safety of such persons. (Sec. 954; Penalty, Sec. 976.)

Sec. 966. **[Oath and bond of weigh-master.]** Any person employed to weigh coal at a mine in which ten or more miners are employed, and upon the weight of which the earnings of the miners depend, shall take and subscribe to an oath before an officer authorized to administer the same, that he will correctly weigh all coal taken from such mine under existing contracts between the owner, lessee or agent, and the miners, and

give due credit for same; and when required by existing contracts between the lessor and lessee, he shall give due credit to such lessor. He shall also give a bond in the sum of three hundred dollars, with two sureties approved by the clerk of the township in which such mine is situated, conditioned for the faithful discharge of his duties, and payable to the state, with the oath indorsed thereon, which shall be deposited with such township clerk. (Penalty, Sec. 976.)

Sec. 967. [**Examination of machinery, ventilating current, etc., by miner or owner.**] The miners employed in a mine may appoint two of their number to act as a committee to inspect, not oftener than once in every month, the mine and the machinery connected therewith, and to measure the ventilating current. If the owner, lessee or agent so desires, he may accompany such committee or appoint two or more persons for that purpose. The owner, lessee or agent shall afford every necessary facility for making such inspection and measurement, but the committee shall not in any way interrupt or impede the work in the mine at the time of such inspection and measurement. Within ten days after the inspection and measurement, such committee shall make a correct report thereof to the chief inspector of mines, on blanks furnished by him. (Sec. 906; Penalty, Sec. 976.)

Sec. 968. [**Appropriation of land for mines, how made.**] The owner, lessee or agent of a coal mine, may, when such owner, lessee or agent

does not own or control suitable surface ground for openings for the ingress and egress of persons employed therein, for the means of ventilation as provided for in this act, for the means of draining said mine as may best protect the lives and health of the persons employed therein, for the protection of the employes and property, for conducting the water from the mine to any natural water course, or for a suitable roadway from any opening to a public highway, appropriate as hereinafter provided, for any one or more of such purposes any required intervening or adjoining lands, and make openings, lay pipe for conducting water, and maintain roadways into, upon, over, under or through same, provided that no land shall be appropriated for a roadway more than twenty feet in width, and no land for any other one of such purposes in excess of one-quarter of an acre. Such owner, lessee or agent, whether a corporation, firm or individual, shall be governed in proceedings to appropriate such land by the laws relating to the appropriation of private property by corporations; but no land shall be so appropriated unless the court is satisfied that suitable land cannot be obtained upon reasonable terms.

Sec. 969. **[Examination and survey of mine by owner of land adjoining.]** Each person owning land adjoining a mine worked for the production of coal, and each person interested in such mine, who has reason to believe that the protection of his interests therein or in the coal on his adjoining land requires it, upon making

affidavit to that effect before a justice of the peace or other proper officer, may enter such mine and have an examination or survey of it made, after giving three days' notice, in writing, to the owner, lessee or agent of such mine. Such examination shall be made at such time, and in such manner, as will least interfere with the working of the mine.

[Transportation of surveying party.] When the affidavit has been made, and notice given, as provided in the foregoing, upon the application of the person giving the notice, the person in charge of such mine shall transport, by the ordinary method for entrance and exit in use at such mine, a surveying party of not more than three persons, furnish them a competent guide, and supply them with necessary and proper lamps. The person in charge of the mine shall be paid by the person requesting the survey, fifty cents for each person so transported, and five dollars per day for the guide; but, if the shaft, (if such mine be a shaft mine), exceed two hundred and fifty feet in depth, he shall be paid one dollar for each person so transported.

[Liability for damages caused by examination.] If the owner or lessee of such mine sustain damage for which compensation should be made because such examination or survey was made at unreasonable times, or in an improper or unwarrantable manner, the person making such examination or survey, or causing it to be made, shall be liable therefor to such owner or lessee.

[Forfeiture.] The persons owning or operating a mine shall not hinder or obstruct such examination or survey, if made at a reasonable time, and in a reasonable manner, and as provided by law.

[To whom provisions concerning examination and survey available.] The preceding provisions for examination and survey shall be available to any person, who, on his oath, states that he is the owner, or authorized agent of an owner, of land which he believes contains coal or commercial products adjacent to the underground workings of a mine, although it does not adjoin the property of such mine.

[Action for refusal to permit examination.] Upon the refusal of the owner, lessee or agent of a mine to comply with the provisions of this section, the person who makes the application for the survey may recover judgment as upon default, in a court of competent jurisdiction, against the owner, lessee or agent, in such sum as he declares under oath that he believes to be justly due him for coal belonging to him taken by the owner, lessee or agent of the mine without his permission, and the statute of limitations shall not run against such claim, but the demand, and refusal of permission to enter such mine, must be first proven to the satisfaction of the court or jury.

Sec. 970. [Checkweighman for miners.] The miners employed at a mine where the earnings of such miners depend upon the weight of coal

mined, may, at their own cost, designate or appoint a competent person as checkweighman, who, at all proper times, shall have full right of access to and examination of the scales, machinery or apparatus used at such mine to determine the correct weight of coal mined, and whose duty shall be to see the coal weighed and to make a correct record of such weights. Not more than one person, however, on behalf of the miners collectively shall have such right at the same time.

[Checkweighman for landowners.] The landowners, or other persons interested in the rental or royalty at such mine, may, at their own cost, designate or appoint a competent person to act as checkweighman for them, who shall have the same rights as the checkweighman for the miners. Not more than one person, however, on behalf of the landowners, or other persons interested in the rental or royalty, jointly, shall have such right at the same time. Checkweighmen shall not interfere with the use of or tamper with such scales, machinery or apparatus, nor make any false entry of any weight, or in any manner exceed the duties prescribed herein.

[Check-measurer.] The miners employed at a mine where the earnings of such miners depend upon measurements, may, at their own cost, designate or employ, not more than one of their number as check-measurer to accompany each mine-foreman or other person making the measurements and see them make such measurements,

and make a correct record of same. Each mine-foreman or other person making measurements may have a helper, but such helper shall not be regarded as a person making measurements. The person or persons designated as check-measurer shall not in any manner interfere with or interrupt the work of the mine-foreman, or other person, while making such measurements. (Penalty, Sec. 976.)

Sec. 971. [Crossing public highway.] Any person, firm or corporation now or hereafter owning any land containing mineral, coal, stone or clay, and over any portion of which shall pass any state, county or township road or public highway, shall have the right and are hereby authorized to drill, excavate, mine or quarry through or under any such road; provided, however, that when any excavation is to be made in such manner that the top or highest level of such excavation will be extended within thirty feet vertical distance of such road, then and in that case before said work shall be commenced, such person, firm or corporation shall execute and deliver to the board of county commissioners in case of state or county roads, or to the township trustee in case of township roads, a bond, with good and sufficient surety in such amount as shall be considered by said commission or trustees sufficient to cover any damages that may accrue by reason of excavating, mining or quarrying through or under any such road, the same to be approved by said commissioners or trustees; conditioned that while crossing over

or mining or quarrying under any such road, a safe and unobstructed passageway or road shall be kept open by such person, firm or corporation for public use, and as soon as practicable such road shall be fully restored to its original safe and passable condition. When such crossing is made by excavation at a depth of more than thirty feet below the surface of such road, the person, firm or corporation making same shall be liable to the county commissioners or township trustees for any damage that may accrue by reason of such excavation, and shall be held to fully repair any such damage and to restore such road to its original safe and passable condition. The right to mine or quarry across or under public highways as hereinbefore provided shall accrue to the owner, lessee or agent of the land upon or through which such highway passes. (Penalty, Sec. 976.)

Sec. 972. [Right of action in case of accident.] In case of an injury to persons or property, occasioned by a violation of any of the provisions of this act, or any willful failure to comply with any provision of this act by any owner, lessee or agent of a mine, a right of action shall accrue to the person injured, for any direct damage he may have sustained thereby. In case of loss of life, by reason of such willful neglect or failure, a right of action shall accrue to the widow and lineal heirs of the person whose life has been lost, for like recovery of damages for the injury they shall have sustained.

[Lien on property for labor.] Each person who performs labor in opening or developing any coal mine, mining coal, and labor connected therewith, shall have a lien upon all the property of the person, firm or corporation owning, constructing or operating such mine, for the value of such labor for the full amount thereof, upon the same terms, with the same rights, and to be secured and enforced as mechanics liens are secured and enforced.

Relating to Oil and Gas Wells Through Coal Measures.

RELATING TO OIL AND GAS WELLS THROUGH COAL MEASURES.

Sec. 973. [Persons drilling oil and gas wells through coal measures shall observe the following.] Any person, firm or corporation who drills or causes to be drilled through any workable seam of coal, any oil or gas well, and any person, firm or corporation who operates any oil or gas well which has been drilled through any workable seam of coal, shall observe the following:

[Shall give notice to and procure permission of chief inspector.] Any person, firm or corporation intending to drill an oil or gas well where same is likely to penetrate a workable seam of coal, shall give notice, in writing, of such intention to the chief inspector of mines, stating the location of the land upon which such well is to be drilled. and procure from him before proceeding to drill, permission in writing.

[Notice from owner or lessee shall be sufficient.] Written notice from the owner, lessee or agent of the seam of coal, setting up the facts that the oil or gas well to be drilled, will, or that the well already drilled has penetrated a workable seam of coal, shall be sufficient notice to the person, firm or corporation intending to drill or having drilled such well. that such well will or has penetrated a workable seam.

[Owner of well shall make and file map.] The person, firm or corporation drilling or operating an oil or gas well, shall make or cause to be made a map showing the location of such well and the surface upon which located, and for a distance of five hundred feet contiguous thereto. Such map shall bear the sworn certificate of the engineer, and shall be filed with the chief inspector of mines within ten days from the time the drilling of such well is commenced; provided, however, that wells previously drilled and in operation upon the passage and approval of this act, such map shall be filed within thirty days, and such map shall show the location of each oil or gas well, building and mine opening within the limits of such map.

[Well shall not be near mine opening.] No oil or gas well shall be drilled hereafter nearer than one hundred feet to any opening to a mine used as a means of ingress or egress for the persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith. No oil or gas well shall be drilled through the underground workings of an operating coal mine at any point which would interrupt the operations of such mine, or endanger the safety of the persons employed therein.

[Well shall be cased.] Each well shall be cased with wrought iron casing, securely connected together by means of substantial wrought iron collars of approximately the same outside

diameter as the diameter of the drill hole, from a point fifty feet below the lowest workable seam of coal to the surface.

[Casing shall be left in abandoned well.] When any oil or gas well which has been drilled through a workable seam of coal be abandoned, the wrought iron casing, as herein provided for, shall be left in such well from a point fifty feet below the lowest workable seam of coal to the surface, and such casing shall be extended not less than ten feet above the surface and protected from danger of being filled by refuse by means of a cast-iron elbow, securely fastened to the top of such casing, and the horizontal opening securely fitted with a substantial perforated metal cap, or plug, with perforations sufficient to permit the ready escape of gas into the atmosphere; provided, however, if the well to be abandoned was drilled prior to the passage of this act, has penetrated a workable seam of coal, and the well has not been cased as provided herein, such casing shall be put in before abandonment.

[Notice of abandonment shall be given to chief inspector.] When any oil or gas well is abandoned, the person, firm or corporation having drilled or operated such well, shall certify, in writing, under oath, to the chief inspector of mines, such fact. (Sec. 914; Penalty, Sec. 976.)

Relating to Illuminating Oil for Mines.

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RELATING TO ILLUMINATING OIL FOR MINES.

Sec. 974. [Composition of illuminating oil for use in mines.] No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent. of pure animal or vegetable oil, or both, and not more than sixteen per cent. pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four, and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit.

[Persons compounding oil must label containers.] Each person, firm or corporation compounding oil for illuminating purposes in a coal mine, or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which

shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation compounding the oil therein contained, the name and address of the person, firm or corporation having purchased same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature of sixty degrees Fahrenheit of the mixture.

[Such label shall have certificate.] Each label shall have printed thereon, over the fac simile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the state of Ohio, and the composition thereof as shown hereon is correct." (Sec. 944, 975; Penalty, Sec. 976.)

Sec. 975. **[No oil for illuminating purposes in mines shall be sold except oil prescribed in this act.]** No person, firm or corporation shall sell or offer for sale, any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act. Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of any district inspector of mines, or of any officer or duly authorized agent of any owner or lessee

of a coal mine located within two miles of the point where such oil is offered for sale, submit such oil and the original containers for examination, and upon request, give a sample of such oil from one or more original containers selected by such inspector, officer or agent, for the purpose of making a test thereof.

[Adulteration of illuminating oil forbidden.] No person shall adulterate any oil either before or after taking same from the original containers, and shall not alter, transfer, or re-use any label placed upon any container.

[Persons forbidden to use oil other than prescribed in this act.] No person shall use for illuminating purposes in any coal mine, any oil other than the oil specifically provided for in this act. Each person, while in a coal mine, shall, upon request of any district inspector of mines, or any officer or duly authorized agent of the owner or lessee, submit his lamp and supply of oil for examination, and upon request, give sample of oil for purpose of making test thereof, and state from whom purchased.

[Provisions of this act shall apply only to oil used for open lights.] The provisions of this act relating to the compounding, sale and use of oil for illuminating purposes in coal mines, shall apply to oil used in lamps for open lights. The oil used in safety lamps may be of such composition as will best serve the purpose. (Sec. 944, 974; Penalty, Sec. 976.)

Relating to Penalties.

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RELATING TO PENALTIES.

Sec. 976. [County Coroner.] Any county coroner who, after receiving notice of a fatal accident, or of an accident which has resulted in the death of a person at, in, or around a mine, from the owner, lessee or agent of such mine, or the chief inspector of mines, willfully refuses or neglects to comply, so far as such provisions relate to him, with the provisions of section nine hundred and twenty-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

[Owner, lessee, or agent.] Any owner, lessee or agent of a mine, or any person, firm or corporation opening a new mine having written knowledge of a violation of this act, who willfully refuses or neglects to comply with the provisions of section nine hundred and twenty-two, nine hundred and twenty-three, nine hundred and twenty-four, nine hundred and twenty-five, nine hundred and twenty-six, nine hundred and twenty-seven, nine hundred and twenty-eight, nine hundred and twenty-nine, nine hundred and thirty, nine hundred and thirty-one, nine hundred and thirty-two, nine hundred and thirty-three, nine hundred and thirty-four, nine hundred and thirty-seven, nine hundred and thirty-eight, nine hundred and thirty-nine, nine hundred and forty, nine hundred and forty-one, nine hundred and forty-

two, nine hundred and forty-three, nine hundred and forty-four, nine hundred and forty-five, nine hundred and forty-six, nine hundred and forty-seven, nine hundred and forty-eight, nine hundred and forty-nine, nine hundred and fifty, or nine hundred and seventy-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court.

[Superintendent, mine-foreman or over-seer.] Any superintendent, mine-foreman, foreman or over-seer, who willfully refuses or neglects to comply, so far as such provisions relate to each of them, with the provisions of section nine hundred and fifty-one, nine hundred and fifty-two, nine hundred and fifty-three and nine hundred and fifty-four of the General Code, shall upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, and for a second or subsequent offense, shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

[Stableman; fire-boss; entering mine generating fire-damp before reported safe, or going beyond danger signal.] Any person, or persons, who willfully refuses or neglects to comply with the

provisions of section nine hundred and fifty-five of the General Code, or enters a mine generating fire-damp before it is reported by the fire-boss that it is safe for persons to enter, or goes beyond a danger signal indicating an accumulation of fire-damp, as forbidden by the provisions of section nine hundred and fifty-nine of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

[Employes of mines.] Any person, or persons, who violates the provisions of sections nine hundred and fifty-six, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and sixty, nine hundred and sixty-one or nine hundred and sixty-two of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code other than to enter a mine generating fire-damp before the fire-boss reports it safe, or to go beyond a danger signal indicating an accumulation of fire-damp, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

[Persons not employes, qualification of miners, check-weighman, check-measurer.] Any person who willfully violates the provisions of sections nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven or nine hundred and seventy of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code relating to loitering and intoxicants, at, in or around a mine, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

[Drilling and operating oil and gas wells.] Any person, firm or corporation who violates or willfully refuses or neglects to comply with the provisions of section nine hundred and seventy-three of the General Code, shall upon conviction thereof, be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offense shall be fined not less than two hundred dollars and not more than one thousand dollars, or imprisoned not less than thirty days nor more than six months, at the discretion of the court.

[Compounding oil for illuminating purposes in mines.] Any person, firm or corporation who compounds, sells or offers for sale to dealers any

oil for illuminating purposes in any mine in this state contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both, at the discretion of the court.

[Sale of oil for illuminating purposes in mines.] Any person, firm or corporation who sells, or offers for sale to any employe of a mine for illuminating purposes in a mine contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

[Using oil for illuminating purposes in mines.] Any person who knowingly uses for illuminating purposes in a mine, any oil contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall, upon conviction thereof, be fined not less than five dollars nor

more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Relating to Fines Collected, Prosecutions, When Act Shall Take Effect, and Repeals.

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RELATING TO FINES COLLECTED, PROSECUTIONS, WHEN ACT SHALL TAKE EFFECT, AND REPEALS.

Sec. 977. [Fines collected.] All fines collected by reason of prosecutions begun under the provisions of this act, shall be paid to the chief inspector of mines, and by him paid into the state treasury.

Sec. 978. [Prosecutions; how controlled.] Any prosecutions begun under the provisions of this act shall be controlled by sections thirteen thousand four hundred and twenty-three and thirteen thousand four hundred and thirty-two to thirteen thousand four hundred and thirty-nine inclusive of the General Code.

SECTION 2. [Repeals.] That sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, of the General Code be and the same are hereby

repealed. This act shall take effect on and after sixty days after its passage and approval.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 5, 1910.
Approved April 11, 1910.

JUDSON HARMON, Governor.

Jurisdiction.

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The following are the sections of the General Code referred to in various sections of the mining law, and under which prosecutions will be made.

JURISDICTION.

Section 13423. [Special jurisdiction of justices, police judges and mayors.] Justices of the peace, police judges and mayors of cities and villages shall have jurisdiction, within their respective counties, in all cases of violation of any law relating to:

1. The adulteration or deception in the sale of dairy products and other food, drink, drugs and medicines;

2. The prevention of cruelty to animals and children;

3. The abandonment, non-support, or ill-treatment of a child by its parent;

4. The abandonment or ill-treatment of a child under sixteen years of age by its guardian;

5. The employment of a child under fourteen years of age in public exhibitions or vocations injurious to health, life or morals, or which cause or permit it to suffer unnecessary physical or mental pain;

6. The regulation, restriction or prohibition of the employment of minors;

7. The torturing, unlawfully punishing, ill-treating or depriving any one of necessary food, clothing or shelter;

8. The selling, giving away or furnishing of intoxicating liquor as a beverage, or keeping a place where such liquor is sold, given away or furnished, in violation of any law prohibiting such acts within the limits of a township and without the limits of a municipal corporation;

9. The shipping, selling, using, permitting the use of, branding or having unlawful quantities of illuminating oil for or in a mine;

10. The sale, shipment or adulteration of commercial feed stuffs;

11. The use of dust creating machinery in workshops and factories;

12. The conducting of a pharmacy, or retail drug or chemical store, or the dispensing or selling of drugs, chemicals, poisons or pharmaceutical preparations therein;

13. The failure to place and keep in a sanitary condition a bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughter house, ice cream factory or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose. (R. S. Secs. 306a, 3718a; 97 v. 397, Sec. 9; 99 v. 32, Sec. 3; 99 v. 507, Secs. 77, 78; 100 v. 15, Sec. 4; 100 v. 64, Sec. 6.)

Justices, Police Judges and Mayors.

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Section 13432. [When imprisonment is a part of the punishment a jury shall be impaneled.] In prosecutions before a justice, police judge or mayor, when imprisonment is a part of the punishment, if a trial by jury is not waived, the magistrate, not less than three days nor more than five days before the time fixed for trial, shall certify to the clerk of the court of common pleas of the county that such prosecution is pending before him. (R. S. Sec. 3718a.)

Section 13433. [Clerk's duties.] Thereupon the clerk, in the presence of representatives of both parties, shall draw from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in such county, twenty names which shall be drawn and counted in a like manner as for jurors in the court of common pleas. The clerk shall forthwith certify the names so drawn to the magistrate, who, thereupon, shall issue to any constable, chief of police or marshal in the county, a venire containing the names of the persons to serve as jurors in the case and make due return thereof. (R. S. Sec. 3718a.)

Section 13434. [Jurors.] The jurors shall be subject to like challenges as jurors in criminal cases, except capital cases in the court of common pleas. If the venire is exhausted without

obtaining the number required to fill the panel, the magistrate shall fill the panel with talesmen in the manner provided for criminal cases in the court of common pleas. (R. S. Sec. 3718a.)

Section 13435. [Second or subsequent offense.] In such prosecutions, where a different punishment is provided for a second or subsequent offense, the information or affidavit upon which the prosecution is based, must charge that it is the second or subsequent offense or the punishment shall be as for the first offense. (R. S. Sec. 3718a.)

Section 13436. [Jurisdiction and power of constables, etc.] In pursuing or arresting a defendant and in subpoenaing the witnesses in such prosecutions, the constable, chief of police, marshal, or other court officer shall have like jurisdiction and power as the sheriff in criminal cases in the common pleas court, and he shall receive like fees therefor. (R. S. Sec. 3718a.)

Section 13437. [New trial.] In such prosecutions, if there is a verdict for conviction, a new trial may be granted for like reasons and subject to like conditions as a new trial in criminal cases in the court of common pleas. (R. S. Sec. 3718a.)

Section 13438. [Fees of jurors and witnesses.] In such prosecutions, the jurors and the witnesses shall be entitled to like mileage and fees as in criminal cases in the court of common pleas. (R. S. Sec. 3718a.)

Section 13439. [Costs.] In such prosecutions, no costs shall be required to be advanced or secured by a person authorized by law to prosecute. If the defendant be acquitted or discharged from custody by nolle or otherwise, or convicted and committed in default of paying fine and costs, all costs of such case shall be certified under oath by the trial magistrate to the county auditor, who, after correcting errors therein, shall issue a warrant on the county treasury in favor of the person to whom such costs and fees are payable. All moneys which are to be paid by the county treasurer as provided in this chapter shall be paid out of the general revenue fund of such county. (R. S. Sec. 3718a.)

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AMENDED SECTIONS 973, 974 AND 976 OF THE GENERAL CODE.

(Senate Bill No. 205.)

AN ACT

To amend section 973 of the general code, regulating the location of oil and gas wells.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. That section 973 of the general code, as amended April 5, 1910, be amended to read as follows:

Sec. 973. Any person, firm or corporation causing to be drilled any well for oil or gas or elevator well or any test well within the limits of any coal producing county of this state, must give notice, in writing, of such fact to the chief inspector of mines, stating the location of the land upon which such well is to be drilled.

It shall be the duty of any such person, firm or corporation to make or cause to be made an accurate map on a scale of one inch to four hundred feet, showing on said map the location and number of wells, the property lines of the property upon which located in the township, section and quarter section in which the same is being drilled, together with a measurement from the section line and also from the quarter section line, together with the sworn statement of the person, firm or corporation making said map, the same to be kept on file in the office of the state mining department and shall be open for inspection by the public at all reasonable hours. The original map shall be retained by the owner or surveyor and one blue print filed with the chief inspector of mines and one with the recorder of the county in which such well is located within sixty days after the passage and approval of this act, or after commencing to drill any oil or gas well, and if drilling is still continued on the property already surveyed, a complete blue print shall be made and filed at the end of each year.

No oil or gas well shall be drilled nearer than three hundred feet to any opening to a mine used as a means of ingress or egress for the persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith and actually used as a part of the operating equipment of said mine.

In the event that a well being drilled for oil or gas penetrates the excavations of any mine, it must be cased with casing of approximately the same diameter as the diameter of the hole, the hole to be drilled thirty feet

or to solid slate or rock and not less than ten feet below the floor of such mine, and the casing shall be placed in the following manner; one string of casing shall be placed at a point above the roof of said mine so as to shut off all of the surface water and then the hole drilled through said mine and another string of casing put in and the bottom of the second string of casing, or the one passing through said mine shall not be nearer than ten feet or more than thirty feet from the floor of the mine where it passes through the same.

When any well which has been drilled for oil or gas is to be abandoned and has passed through the excavations of any coal mine from which the mineable coal has not all been removed the person, firm or corporation owning said well shall leave in said well the casing passing through said mine from a point not less than ten feet or more than thirty feet below the floor of said mine and extending above the roof of said mine five feet and a seasoned wooden plug or iron ball shall be driven to a point forty feet below the floor of the mine and shall then fill the hole and the casing left in with the cement or a seasoned wooden plug or iron ball shall be driven on top of the same, and the hole shall then be filled for a distance of not less than twenty feet with cement. If any oil or gas well has passed through a workable vein or seam of coal it shall when it is abandoned be plugged in the following manner; a seasoned wooden plug or iron ball shall be driven to a point thirty feet below the lowest workable seam of coal and the hole filled with cement to a point twenty feet above the first seam of coal and another wooden plug or iron ball driven and the hole filled for a distance of twenty feet with cement.

The property owner or owners shall report to the chief inspector of mines of the commencing to drill of any well or wells for oil or gas on his or their property and shall report at the end of each year thereafter if drilling is continued the number of wells drilled on his or their property, the date drilled and by whom drilled.

When any oil or gas well is to be abandoned, the person, firm or corporation having drilled or operated such well, shall notify the chief inspector of mines, at least ten days in advance so that he may direct one of his district inspectors to be present at the time of abandonment.

Section 2. That said original section 973 of the general code, as amended April 5, 1910, be and the same is hereby repealed.

S. J. VINING,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 31, 1911.
Approved June 12, 1911.

JUDSON HARMON, Governor.

STATE MINING DEPARTMENT
COLUMBUS

NOTICE.

Columbus, O., June 5, 1911.

To Manufacturers of Illuminants to be used in mines in the State, to Retail Dealers, to Mine Operators, Mine Managers and Employes in mines:

The following Bill is now a law and repeals Sections 974 and 976 of the Mining Code, which became a law June 11, 1910, and takes the place of said sections.

The mine foreman or person in charge of any mine in the State is hereby notified that he will be held responsible to see that no illuminant, not specifically provided for in this Bill, or other sections of the Mining Code, be permitted in any mine under his jurisdiction. If the Inspector hereafter finds any illuminant in any mine not specifically provided for by law, he will at once institute proceedings against the mine foreman in charge of the underground work, and no excuse of ignorance of the law will be accepted.

Very respectfully,

GEORGE HARRISON,
Chief Inspector of Mines.

79th General Assembly,
Regular Session, 1911.

Substitute S. B. No. 192

MR. KRAUSE.

A BILL

To amend Section 974 of the General Code, relating to illuminating oils for mines.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. That sections 974 and 976 of the General Code be amended to read as follows:

Sec. 974. No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent. of pure animal or vegetable oil, or both, and not more than sixteen per cent. pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard

hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four, and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit.

Each person, firm or corporation compounding oil for illuminating purposes in a coal mine, or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation, having purchased same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit. of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature of sixty degrees Fahrenheit of the mixture.

Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the state of Ohio, and the composition thereof as shown hereon is correct." Each person, firm or corporation, manufacturing paraffine wax for illuminating purposes in a coal mine, or mines, or any other mine, shall, before shipment thereof is made, securely brand, stencil, or paste, upon the head of each barrel, box, or case, containing small packages, the name and address of the person, firm or corporation, manufacturing paraffine wax therein contained; the name and address of the person, firm or corporation, having purchased the same, and the date of shipment. And each individual package contained within each barrel, box or case, shall have plainly printed thereon, the name of product, the name and address of the manufacturer thereof, together with the melting point, fire test, and the percentage of oil and moisture of the paraffine wax therein contained.

But nothing herein contained shall prohibit the manufacture, sale or use for illuminating purposes in mines in this state, of paraffine wax with melting point at from one hundred five to one hundred twenty-four degrees of heat and minimum fire test not less than three hundred degrees Fahrenheit, with not over four per cent. oil and moisture. No person shall use in any coal mine or other mines, any fish oil, or any other illuminant, whatever, other than those specifically provided for in this section and in the preceding section, unless with the consent and approval of the chief inspector of mines.

Sec. 976. Any county coroner who, after receiving notice of a fatal accident, or of an accident which has resulted in the death of a person, at, in, or around a mine, from the owner, lessee or agent of such mine, or the chief inspector of mines, willfully refuses or neg-

lects to comply, so far as such provisions relate to him, with the provisions of section nine hundred and twenty-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Any owner, lessee or agent of a mine, or any person, firm or corporation opening a new mine, having written knowledge of a violation of this act, who willfully refuses or neglects to comply with the provisions of section nine hundred and twenty-two, nine hundred and twenty-three, nine hundred and twenty-four, nine hundred and twenty-five, nine hundred and twenty-six, nine hundred and twenty-seven, nine hundred and twenty-eight, nine hundred and twenty-nine, nine hundred and thirty, nine hundred and thirty-one, nine hundred and thirty-two, nine hundred and thirty-three, nine hundred and thirty-four, nine hundred and thirty-seven, nine hundred and thirty-eight, nine hundred and thirty-nine, nine hundred and forty, nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, nine hundred and forty-four, nine hundred and forty-five, nine hundred and forty-six, nine hundred and forty-seven, nine hundred and forty-eight, nine hundred and forty-nine, nine hundred and fifty, or nine hundred and seventy-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offence shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court.

Any superintendent, mine-foreman, foreman or overseer, who willfully refuses or neglects to comply, so far as such provisions relate to each of them with the provisions of section nine hundred and fifty-one, nine hundred and fifty-two, nine hundred and fifty-three, and nine hundred and fifty-four of the General Code, shall upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, and for a second or subsequent offense, shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person or persons who willfully refuses or neglects to comply with the provisions of section nine hundred and fifty-five of the General Code, or enters a mine generating fire damp before it is reported by the fire boss that it is safe for persons to enter, or goes beyond a danger signal indicating an accumulation of fire damp, as forbidden by the provisions of section nine hundred and fifty-nine of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person, or persons, who violates the provisions of sections nine hundred and fifty-six, nine hundred and

fifty-seven, nine hundred and fifty-eight, nine hundred and sixty, nine hundred and sixty-one, or nine hundred and sixty-two of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code other than to enter a mine generating fire-damp before the fire boss reports it safe, or to go beyond a danger signal indicating an accumulation of fire-damp, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person who willfully violates the provisions of sections nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, or nine hundred and seventy of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code relating to loitering and intoxicants, at, in or around a mine, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person, firm or corporation who violates or willfully refuses or neglects to comply with the provisions of section nine hundred and seventy-three of the General Code, shall upon conviction thereof, be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offense shall be fined not less than two hundred dollars and not more than one thousand dollars, or imprisoned not less than thirty days nor more than six months, at the discretion of the court.

Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil or paraffine wax; fish oil or any other illuminant whatever, other than those specifically provided for in section 974 General Code unless with the consent and approval of the chief inspector of mines, for illuminating purposes in any mine in this state contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both, at the discretion of the court.

Any person, firm or corporation who sells, or offers for sale to any employe of a mine for illuminating purposes in a mine any oil or paraffine wax, fish oil or any other illuminant, other than those specifically provided for in section nine hundred and seventy-four of the General Code unless with the consent and approval of the chief inspector of mines contrary to the provisions

of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person who knowingly uses for illuminating purposes in a mine, **any oil or paraffine wax, fish oil or any other illuminant whatever other than those specifically provided for in section nine hundred and seventy-four of the General Code, unless with the consent and approval of the chief inspector of mines,** contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Section 2. That said original sections 974 and 976 of the General Code be and the same are hereby repealed.

PRICE RUSSELL,
Speaker pro tem of the House
of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Passed May 17, 1911.

This bill was presented to the Governor May 17, 1911, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the Secretary of State June 1, 1911.

JOHN W. DEVANNEY,
Veto Clerk.

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